SENATE—*Tuesday, July 13, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9:30 a.m, on the expiration of the recess, and was called to order by the acting President pro tempore [Mr. WOFFORD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious Father in Heaven, we thank Thee for the recess, for work accomplished, for family and home, and for safe return.

"God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea; Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof."—Psalm 46:1-3.

Eternal God, Father of us all, our hearts are heavy as we ponder the tragedy and suffering of those in the flooded areas of the Midwest. We lift our hearts in earnest intercession for every community, every family, every individual so sadly affected by this devastation. We pray for those who have lost loved ones. We pray for those who have lost precious possessions. We thank Thee for the many who have responded to help, not only locally, but from all over the country. We thank Thee for the visit of President Clinton and Vice President GORE. We thank Thee for the promise of ready response from the Federal Government.

Gracious God, for all of us who have been untouched by this tragedy, help us to be grateful for such a blessing. Help us never to take for granted the common benefits of life which are so plentiful, so constant, so unfailing.

We pray in the name of Love incarnate. Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the Senator from West Virginia.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, prior to the Independence Day recess, I stated my intention to proceed, upon our return today, to S. 185, the Hatch Act reform bill, and obtained a unanimous-consent agreement, printed in today's calendar of business as Order No. 95.

That order states that between 11 a.m. and 12:30 p.m. today, and then again between 2:15 p.m. and 4 p.m., there would be debate on the motion to proceed to that bill; and that at 4 p.m., the Senate vote on a motion to invoke cloture—that is, to terminate debate and filibuster—on the motion to proceed to that bill.

Over the recess period, my staff was notified by Senator DOLE's staff that the cloture vote on the motion to proceed would not be necessary and could be vitiated and we could proceed to the bill today, provided that there be no recorded votes today. I have indicated that such a procedure is agreeable to me, provided in turn that at least one and, hopefully, more than one amendment be offered today, with votes scheduled for the first thing tomorrow morning.

And so, Mr. President, our respective staffs of the majority and minority having worked the matter out, I will now propound two unanimous-consent agreements to revise the schedule under which the pending bill will be considered.

UNANIMOUS-CONSENT AGREEMENT—S. 185

Mr. MITCHELL. Mr. President, I first ask unanimous consent that at 2:15 p.m. today, the Senate proceed to the consideration of Calendar No. 95, S. 185, the Hatch Act reform bill; and that once the managers have concluded their opening statements, Senator ROTH be recognized to offer an amendment; and further, that the cloture vote scheduled for 4 p.m. today on the motion to proceed to S. 185 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the period for morning business today be extended until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that the previous order for morning business for Senator BYRD remain in effect; and that the recess period for the regular party conferences today remain as previously ordered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, as a result of these agreements, the Senate will today at 2:15 p.m. begin consideration of S. 185, the Hatch Act reform bill. During today, Senator ROTH will offer an amendment. A vote on that amendment will be scheduled for the first thing tomorrow morning. There may well be other amendments offered today and other votes scheduled for tomorrow morning.

Senators should be apprised of the fact that this will be a very busy legislative period. As is my practice, I have written a letter to each Senator prior to the Independence Day recess setting forth the schedule for this legislative period.

I repeat now that votes may occur at any time the Senate is in session, unless otherwise announced on the floor. We have to begin work on the several appropriations bills. The House has completed nine of them, and I suspect we will be acting on several of them during this legislative period. We will also have, of course, the conference report on the reconciliation bill, and I hope and expect a number of other measures will be the subject of our action during this period.

So Senators can and should expect, unless otherwise announced, legislative session each weekday during this period with votes possible, unless otherwise previously stated or announced in the future.

CONGRATULATIONS TO PRESIDENT CLINTON FOR A SUCCESSFUL G-7 SUMMIT

Mr. MITCHELL. Mr. President, I congratulate President Clinton for a successful and productive G-7 summit in Tokyo last week. It is a good foundation to promote U.S. economic interests and strengthen the world economy.

In the post-cold-war world, economic security and expanding international

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

markets are important factors for both the developed world and developing nations alike. The economies of the world's nations are interdependent, and the future of the U.S. economy is closely linked to the future of the world economy. We have a central role in the international economy. We therefore have the responsibility to chart the path of world growth as we approach the 21st century.

Today both the United States and other economies are struggling through a post-cold-war restructuring. In the fourth quarter of 1992, the annual rate of real economic growth declined 2 percent in France, by 3.3 percent in Germany, by 0.3 percent in Japan and by 2.3 percent in Italy. Unemployment in developed nations remains high: 11 percent in Canada, 10.8 percent in France and 9.4 percent in Italy.

Economic growth in the United States is slow. In the first quarter of this year, U.S. gross domestic product grew at an annual rate of 0.9 percent. Unemployment remains at 7 percent.

The United States must provide leadership to promote world economic growth, and President Clinton has demonstrated his commitment to address the problems that confront the world economy. The International Monetary Fund has repeatedly recommended that the United States lower its Federal budget deficit to restore U.S. national savings to adequate levels. President Clinton has proposed a responsible plan to lower the Federal deficit by $500 billion over the next 5 years. The majority in Congress is committed to passing the President's plan.

At the G–7 summit, President Clinton's leadership in the effort to lower the U.S. Federal budget deficit gave him the authority to promote world growth and fight for U.S. businesses and workers in foreign markets. His achievements at the G–7 summit include a market access package in the Uruguay round negotiations, an aid package for Russia and a framework agreement to address the trade imbalance between the United States and Japan.

In Tokyo, the President achieved a breakthrough on the market access package, which is a preliminary step to the successful completion of the Uruguay round. Among other things, this market access package will eliminate the tariff and nontariff measures on pharmaceuticals, construction equipment, medical equipment, steel, beer, furniture, farm equipment, and distilled spirits. This breakthrough on the market access package will provide the momentum to lower other tariff and nontariff barriers and to strengthen the set of international trading rules under the General Agreement for Tariffs and Trade.

Completion of the Uruguay round will provide a boost to the world economy. As the world's largest exporter, the United States will benefit from increased access to foreign markets in manufactured goods, agricultural products, and services. One economic forecasting firm estimated that 10 years after the implementation of a Uruguay round agreement, there would be a net gain of 1.4 million jobs in the United States. I therefore compliment President Clinton on his persistent efforts to negotiate a successful conclusion of the Uruguay round by December 15 of this year.

President's Clinton's leadership also paved the way for an agreement by G–7 members to provide a $3 billion aid package for Russia. This program of loans and grants will help Russia move to a market economy by speeding up efforts to transfer inefficient state-owned enterprises to private sector control. These funds will make available operations for new enterprises, as well as credits for exports, and will assist Russia in making a successful transition to a free enterprise system.

A successful Russian free market economy will not only enhance freedom and strengthen democracy, it also will increase prospects for solid investments by American businesses.

In the coming weeks, the Congress will be working with the administration on an extensive review of the existing legislation affecting relations between the United States and Russia. We will seek to improve progress in strengthening democracy and promoting economic cooperation between the two nations.

Another important step taken at the summit was the new framework for the economic relationship between the United States and Japan. The trading relationship between these two countries is out of balance. In 1992, Japan had a bilateral trade surplus of $49 billion. In the first 4 months of 1993, that trade surplus has increased 22 percent on an annual basis. The President recognizes the need to address this recurring trade imbalance with a comprehensive policy to open Japan's markets to United States goods and services.

Under the United States-Japan framework for a new economic partnership, Japan is committed to the goals of increasing the access of foreign goods and services to its markets, decreasing its current account surplus and significantly increasing global imports, including those from the United States. But most importantly, the administration has negotiated a framework which will use objective criteria to evaluate the progress in opening Japan's markets. I am hopeful that the President's new framework agreement with Japan is an important first step in addressing the trade imbalance between the United States and Japan.

At times in the past, the G–7 summit has been criticized as a forum that fails to accomplish any goals to promote world economic growth. This year was different, and I congratulate President Clinton for his concrete achievements to expand international markets and to help U.S. businesses and workers compete in foreign markets.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I yield to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

THE WORLD FOOD PROGRAMME

Mr. COCHRAN. Mr. President, last year the World Food Programme very skillfully coordinated a relief effort to deal with a very serious drought in Southern Africa. The World Food Programme has a record of many successes.

It began as a small, 3-year experimental program with less than $100 million in resources, and in 30 years has grown into the largest source of grant assistance to developing countries. While currently providing an average of more than $1.5 billion in assistance annually, the World Food Programme has invested approximately $13 billion involving more than 40 million tons of food to combat hunger and promote economic and social development throughout the developing world.

The World Food Programme's activities are not limited to food and economic assistance. They also include serving as the largest provider of grant assistance for environmental activities in developing countries. Since 1963, the programme has given more than $5 billion in assistance to help developing countries provide the necessary food and fiber to sustain their people while protecting their natural resources.

A highlight of its innovative and imaginative leadership came in April 1992, when Southern Africa was threatened by the worst drought that region had seen in over 100 years. The United Nations designated the World Food Programme as the coordinator for the distribution of almost 11.6 million tons of commodities needed by the region.

Much of the success of the Southern Africa relief effort can be credited to the World Food Programme's executive director, Catherine Bertini. Her capable leadership was indispensable in making this monumental relief effort a success. History should note that the Southern Africa drought emergency operation was a triumph which prevented millions of people from suffering severe hardships, and thousands from starving.

Mr. President, I ask unanimous consent that a copy of the World Food Programme's report on the Southern Africa drought emergency operation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A DISASTER AVERTED: SOUTHERN AFRICA FIGHTS THE DROUGHT OF THE CENTURY

While the world's attention was riveted on the emaciated Somali children, at the same time, on the same continent, the largest preventive operation ever was unfolding successfully in the drought-hit southern Africa—a relief effort based on regional cooperation that effectively avoided disaster for 18 million people at serious risk.

Together, the 10 Southern African Development Community[1] countries and South Africa experienced the worst drought in this century. There was a larger crop failure than the Horn of Africa in the mid-1980s. Roughly five times more food had to be brought into the region than was shipped to the Horn during the famine of 1984–85. The southern region, usually a food exporter, had to import 11.6 million tons of food with an estimated food and transport cost of $4 billion (US). This volume, a six-fold increase above normal imports, was to be added to existing transport flows.

Much of this huge amount of food had to be brought into landlocked countries (Zambia, Zimbabwe, Malawi, Lesotho, Swaziland, Botswana) through long overland routes and a network of ports, roads and railways geared for exports, not imports. It involved complex and daunting logistics, and also put a great strain on the regional transport system.

Only unprecedented regional coordination could cope with such a challenge. Six transport corridors and 12 ports (Dar es Salaam, Nacala, Beira, Maputo, Durban, East London, Port Elizabeth, Cape Town, Walvis Bay, Namibe, Lobito and Luada) were used to bring in the food commodities. Berthing priorities, port congestion, warehousing, discharge of ships and loading onto trains, border crossings, customs, tolls and levies, transshipment, maintenance and many other problems had to be solved to move food (both aid and commercial) smoothly.

The region, however, had some comparative advantages: with the exception of war-ravaged Angola and Mozambique, it has a fairly good infrastructure of rail, roads and communications; a strong commercial sector; and, most importantly, the commitment of governments and donors that people would not go hungry—that the drought would not turn into a famine.

The drought occurred at a time when countries in the region were facing economic recession, structural adjustment and soaring unemployment. In addition, civil wars in Angola and Mozambique spilled over into neighboring countries, as refugees fleeing drought and violence poured in, especially to Malawi, host to almost a million Mozambicans.

NEEDS AND PLEDGES

The alarm was sounded early by the Global Information Early Warning System of the UN Food and Agricultural Organization and the U.S.-funded Famine Early Warning System. At the end of January 1992, the early warnings were substantiated with reports of food shortages, dwindling water supplies and deaths of cattle due to lack of grazing. In March, a joint Food and Agriculture Organization/World Food Programme mission, with the support of other UN agencies, assessed the needs in the 10 SADC countries and published a special alert. Between April and May, Governments, donors, the UN family and private voluntary organizations reviewed the situation and drew up relief plans.

The potential consequences of the disaster led the UN Office for Humanitarian Affairs (DHA) to launch the joint UN/SADC appeal in New York in the presence of the Secretary General and organize a pledging meeting in early June in Geneva. The appeal requested $845 million (US) in emergency aid, including 1.6 million tons of targeted food aid (for vulnerable groups and the poorest segments of the population with very limited purchasing power) and 2.5 million tons of programme food aid (for market sector to enable people who had money to purchase food) for the SADC countries only.

Donors responded generously and quickly, especially the US, which began preparations as early as December 1991. Pledges fulfilled almost all the appeal, and by April 1993, almost 11.6 million tons of drought-related commodities (food and fertilizer) had arrived.

The United Nations then designated the World Food Programme to act as its coordinator for this massive logistics operation. Working jointly with SADC, WFP coordinated the flow of all food, including commercial imports, throughout the region by establishing a Logistical Advisory Centre (LAC) in Harare with a Support Unit in Johannesburg (within the South African Railway and Port Authorities network). Port and railway operations were coordinated through some 20 logistics experts posted to key points on the network and funded through WFP by several donors.

REGIONAL COORDINATION

The LAC, generously funded by the US, amongst others, was a unique cooperative effort that coordinated relief logistics throughout the region. It provided a working link between donors, SADC governments, shipping agents, contractors and transport operators to deliver food (aid and commercial) swiftly.

The LAC compiled and shared regional information on drought relief procurement, importation, distribution and shortfalls, and the flows of food. In addition, the LAC obtained funds from donors, including a $5 million (US) grant from the US and funds from the Netherlands, Canada, Sweden, UK, Luxembourg and the African Development Bank, used to help eliminate bottlenecks in SADC countries. The LAC made it possible to buy, lease or borrow equipment; install communication and signaling systems; repair rail wagons and tracks; buy stacking machines, weighing scales, tarpaulins, radios and faxes; and, to repair and maintain roads and bridges. The improvements made on the regional transport system will remain in place once the drought is over.

The weekly shipping bulletin issued by the LAC contained up-to-date, detailed information on all drought-related shipments (commodities, volume, destination port, arrival and discharge dates, etc.) Obtaining, checking and collating this vast amount of information (more than 1,000 consignments with 25,000 information elements) was a major undertaking that involved daily contact with ports, railways, shippers and donors. Handling up-to-date information about shipments, bottlenecks and needs, the LAC could ask donors and shippers to divert or speed shipments according to need.

All UN Agencies, Governments and non-governmental organizations participated in the relief effort. Country-by-country information on the drought was issued by Agencies and consolidated by DHA in Geneva in monthly reports.

The relief effort demanded careful planning and unprecedented regional coordination. The experience gained and links forged will continue to play a constructive role in the region after the drought is over. As an example of regional cooperation, in December 1992, when warned by LAC of an impending shortage of food for the commercial sector in Malawi, SADC countries agreed to give priority to Malawi-bound shipments and to loan Malawi grain from built-up stocks in other countries.

AT COUNTRY LEVEL

Although each country chose its own approach to drought relief, generally Governments, UN agencies and NGOs pooled efforts, resources and expertise to deliver aid to the needy while avoiding duplication and overlapping. Decentralized and effective provincial, district and ward councils played a key role.

Non-Governmental Organizations (such as Save the Children, Oxfam, Lutheran World Federation, World Vision, Caritas, Care, Red Cross, Africare, Concern/US, Food for the Hungry International, Catholic Relief Services and other missions and churches) were often responsible for the final distribution of food to people. UNICEF devoted resources to providing potable water to thirsty villages. Food-for-work schemes proved very successful, especially in Zambia. Supplementary feeding schemes at schools and health clinics helped keep children and mothers in good health, notably in Zimbabwe and Botswana. Vulnerable household feeding was the strategy in Lesotho.

Among the problems encountered were difficulties in registering beneficiaries in some countries, which made for weak targeting. In addition, inadequate reporting and monitoring at the provincial level also hampered the relief effort in Namibia and Botswana, while war-ravaged Angola and Mozambique were a logistics nightmare. Swaziland and Lesotho also had a late start in drought relief, but finally succeeded in moving the food where it was needed.

By March 1993, widespread rains had blessed Malawi, Zambia, Zimbabwe, Tanzania and (although delayed) Mozambique and Botswana, where the crops were in good health. However, in the case of Mozambique, the areas planted were smaller because farmers faced shortages of animal drought power, tractors, seeds, fertilizer and tools—critically so in the case of Mozambique. The region will need a few years to fully recover, but few lives were lost and a disaster was averted because people, Governments and donors cooperated in helping those in need.

The Southern Africa Drought Emergency operation will go down in the annals of history as a great success—especially for the millions of people who could have become victims of the drought. The United Nations, the World Food Programme, the international community, the U.S. government and all the governments of the region deserve congratulations for a job well done and a disaster averted.

[1] SADC: Southern Africa Development Community—its members are Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498 reappoints Lynn M. Burns,

of Rhode Island, to the Advisory Committee on Student Financial Assistance effective September 30, 1993.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, am I to be recognized for 1 hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. I thank the Chair.

LINE-ITEM VETO—IX

Mr. BYRD. Mr. President, this is the ninth in my series of weekly 1-hour speeches on the line-item veto.

In my speech of the week preceding the July 4 holiday, I noted the remarkable economic and social changes that had occurred in Rome and throughout Italy during the period of Rome's phenomenal territorial expansion in the third and second centuries B.C.

I noted that there had been an emergence of two political factions: the Optimates, who represented the senatorial oligarchy and other aristocrats; and the Populares, or the people's party, who represented the proletariat and those elements that were discontented with the existing social order and who demanded certain reforms.

I also observed the growing rivalry between the Senate and the equestrian order. The roots of the equestrian order went back to the days of early Rome, to the equites who composed the cavalry of the Roman armies.

We also noted the rapid growth in the latifundia, the large plantation-type farms that spread throughout Italy and that resulted from the diminishing number of small family farms, from which had come the stalwart citizen soldiery during the centuries of the regal period and the early and middle Republics.

We noted also the growing slave economy, the serious problem of unemployment in the cities, the spread of the latifundia and the diminishing number of small family farms.

Tiberius Gracchus, who was a tribune in 133 B.C., had been traveling through Etruria when he noticed the dearth of inhabitants. He noted that the soil was tilled and the flocks were tended by slaves. And he wondered how the great Roman Republic could continue to be independent and continue in its leadership if the vanishing peasantry were supplanted by slaves from foreign countries. In those days, in order to be a soldier one was required to have property.

This concerned Tiberius and he felt, in view of the vanishing peasantry from the land, that the armies of Rome would suffer.

I am reminded that Tiberius' concerns were echoed by Oliver Goldsmith in "The Deserted Village," who picked up the theme that had so disturbed Tiberius Gracchus.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay;
Princes and lords may flourish, or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied.

So, we see in this, another parallel between the history of the Romans and the history of our own country, as we have experienced the shift away from the small family farms to the large corporate farms, and the movement away from what was once a predominantly rural population in this country to huge sprawling urban communities with their problems of poverty, disease, unemployment, crime, declining family values, and declining religious values.

It was to these problems, therefore, that Tiberius Gracchus, in 133 B.C., sought to address legislation which was violently opposed by the Senate oligarchy. It cost him his life at the hands of a mob made up of slaves and clients of Senators and other aristocrats.

I have mentioned the word "client" heretofore during this series of speeches, and I should digress momentarily to explain the meaning of the term when used in this context.

In early Rome, it was customary for poorer citizens to attach themselves to a rich or influential citizen in return for his financial assistance or legal assistance, and he thus became their patron. They—the poorer citizens who had attached themselves to the more influential citizen—became his clients. And in return for his financial assistance and other types of aid, they gave to him their political support, and their help in his private life. And it was a matter of great prestige for the patron to appear in public surrounded by a large delegation of these respectful clients. They not only owed him their political support and private help, but they also owed him their respect, and they showed this by greeting him in the morning and by accompanying him about the city.

Also, in those early times when enemy peoples were conquered or when an enemy city was captured, the conquered peoples were sold as slaves. It was the right of any owner of a slave to manumit that slave whenever and however he pleased, and when the owner manumitted a slave, the freedman then became his client and the former owner became the patron.

The law recognized this relationship. It had legal sanction. The patron and his client were not allowed to give testimony against one another.

In 124 B.C., Gaius Gracchus, the younger brother of Tiberius, was elected tribune—following the death of his brother by a decade. In 123 B.C., Gaius was reelected tribune, contrary to the established practice which precluded one's election to the same office unless 10 years had passed.

Gaius carried forward the agrarian policies of his dead brother, and his aims went even further. Several of his laws were clearly designed to strengthen the equestrians and weaken the Senate as, for example, his law changing the composition of juries so as to exclude Senators from sitting on juries and to allow the replacement of Senators as jurors by equestrians. That he fully recognized the significance and the implications of this law was shown by his remark to someone that even if he should die, he would leave it—meaning the law—as a sword thrust into the side of the Senate.

Gaius also sought to reestablish an Italian peasantry on the land—as his brother had tried to do before him—as a means of bringing new strength to the Roman armies, while at the same time ridding the cities of the hands.

Gaius was not successful in his effort to be elected tribune for a third time. When he was no longer tribune, the consul, Lucius Opimius, summoned Gaius to appear before the Senate to answer questions concerning the actions that he, Gaius, had taken during his two terms as tribune. Paterculus, the historian, who lived between the years 19 B.C. and 30 A.D., writes that Gaius was determined not to be arrested, not to appear before the Roman Senate, and that, in his flight, at the point of time in which he was about to be apprehended by the emissaries of Opimius, he offered his neck to the sword of his friendly slave, Euporus. The body of Gaius, like the body of Tiberius before him, was unceremoniously cast into the Tiber, that he would not enjoy the quiet repose of the grave. Many of his followers were executed.

The Senate had suffered a great loss to its prestige and its authority, and even though the Gracchan threat had been eliminated, the Senate owed its victory to violence. This afforded a precedent which might be turned against the Senate itself. Moreover, the alliance of the Equestrians and the urban proletariat had proved to be stronger than the Senate, and this, too, was a lesson that was not lost on future leaders ambitious for power.

While at Rome the interest had been centered upon the struggle between the Gracchans and the Senate, Roman armies had been busy fighting wars in the defense of Roman territory, as a result of which, in 121 B.C., the Romans became masters of southern Gaul, from the Alps to the Pyrenees. In 112 B.C., Rome became involved in a serious conflict in North Africa. Her involvement revealed to the world the corruption of the ruling class in Rome, and it rekindled the smoldering fires of internal political strife. The occasion was the death, in 118 B.C., of Micipsa, successor to Masinissa, King of Numidia and loyal ally of Rome. Micipsa had bequeathed his kingdom to his two sons, Adherbal and Hiempsal, and to a nephew, Jugurtha, whom he had adopted

several years before. Jugurtha was able and energetic, but also ambitious and unscrupulous. While preparations were being made for the division of the kingdom among the three heirs, Jugurtha had Hiempsal assassinated and expelled Adherbal, who fled to Rome and appealed for aid.

It is difficult to understand the motivations of the Roman Senate in the imbroglio that followed. Rome had no obligation to interfere in the internal affairs of the Numidians, but so successful and influential were Jugurtha's agents that a commission, sent to Numidia in 116 B.C. to partition the country between the rivals, gave to Jugurtha the western and richer half of the kingdom, leaving the eastern and poorer part to Adherbal.

Jugurtha, however, had no intention of ruling only half of the country. His aim was to be the ruler of all of Numidia. He provoked Adherbal to war, and he blockaded Adherbal in his capital city of Cirta, which was aided in its defense by the local Italian business community. Adherbal again appealed to Rome, and the Roman Senate sent out a commission to investigate. But they succumbed to Jugurtha's diplomacy, and the decision was made to force the city to surrender. Adherbal and the city's defenders were executed, many of whom were Italians. This created a storm in Rome, and war was declared.

The Roman consul, Lucius Calpurnius Bestia, invaded Numidia, but Jugurtha resorted to bribes and secured easy terms for peace that aroused such suspicions among the Equestrians in Rome that the opponents of the Senate forced an investigation. Jugurtha was summoned to appear before the Senate to answer questions as to his relations with Roman officials in Numidia.

Arriving in Rome, Jugurtha immediately bought the intervention of two Roman tribunes, who voted against the taking of any testimony from him. Confident that he could purchase immunity for any action, he secured the assassination, in Rome itself, of a rival claimant to the Numidian throne. His friends in the Senate dared protect him no longer, and he was ordered to leave Italy.

The war was reopened, and a battle was fought in which the Roman army was defeated and forced to pass under the yoke, a matter of great humiliation, and released only after its commander had conceded to an alliance between Jugurtha and Rome. Treachery and bribery had played a part in this shameful episode. The terms were rejected by the Roman Senate, and a new consul, Quintus Caecilius Metellus, surnamed Numidicus, took command. One of his staff officers was a man named Gaius Marius. Gaius Marius was an ambitious and able officer, and he implored Metellus that he, Marius, be allowed to go to Rome and stand for the office of consul. Metellus' reaction was one that insulted Marius, and from that time on, he had a bitter feeling toward Metellus and intrigued against him. Finally, Metellus agreed to let Marius go to Rome to stand for consul.

In 107 B.C. Metellus was elected consul and the Populares secured the passage of a law by the Tribal Assembly transferring the command in Numidia from Metellus to Marius. Take note. The Senate yielded in this encroachment by the Populares on its traditional rights. Marius pursued the battle in North Africa with energy, enthusiasm, and effectiveness. His quaestor, or quartermaster, was Lucius Cornelius Sulla, who was destined, in due time, to become a bitter rival.

Marius pressed the war with great vigor and won hard-fought victories over Jugurtha and his father-in-law Bocchus, king of Mauretania. Sulla, in due time, was successful in capturing Jugurtha, at great risk to his own life. He captured Jugurtha through the treachery of Bocchus, whose betrayal of his son-in-law brought an end to the war. Jugurtha was taken to Rome where he was executed after gracing the triumph of Marius in 105 B.C.

The repercussions of the Jugurthan war were significant. The prestige of the Roman Senate, having already suffered from the Gracchan assaults, was weakened still further by the apparent corruptibility and venality of Senators in dealing with Jugurtha, and by the Populares and the equestrians, who had intervened in foreign policy in the transfer of the command in Numidia from Metellus to Marius. Once again, the equestrians and the city proletariat had shown that they were stronger than the Senate and that they could control public policy. The Jugurthan war had also produced a military leader in the person of Marius, behind whom these elements could unite.

Marius was again elected consul in 104 B.C., the Roman people disregarding the required legal interval of 10 years, and he was given the command against the northern barbarians in Gaul. He set to work immediately in reorganizing and strengthening the Roman army.

Not only did he bring about improvements—may I say to my good friend, the senior Senator from Alaska [Mr. STEVENS], who serves on the Defense Subcommittee of the Committee on Appropriations and is interested in military affairs—not only did Marius bring about improvements in legionary tactics, equipment, weapons, and organization, but he also accepted as recruits citizens whose lack of property had previously disqualified them from service in the legions. He accepted men who had no property at all. This was a great and far-reaching change. Marius thus transformed military service from an obligation to the Roman state into a career which could employ thousands of landless and unemployed Romans.

Marius' innovation thus made possible the creation of large standing armies for the first time—the creation of large standing armies in Roman provinces such as Spain, Asia, and Africa. Loyalty to the Roman State came to be supplanted by loyalty to a successful general, who could rely on his soldiers to support him against civil authority and on the support of his veterans to back him in subsequent political campaigns.

Marius was reelected consul for the years 103 and 102 and 101 (since the threat from the northern barbarians continued). In his fifth term as consul, in 101 B.C., Marius was victorious over the Cimbri and the Teutones, and Rome was thereby saved from a repetition of the Gallic invasion of the fourth century B.C.

A coalition among three men—Lucius Appuleius Saturninus and Gaius Servilius Glaucia and Marius—resulted in a sixth term as consul for Marius, in the year 100 B.C., the year in which Julius Caesar, a nephew of Marius by marriage, was born.

It also resulted in Saturninus' reelection to the office of Tribune for a second term, and a praetorship for Glaucia. Glaucia and Saturninus became candidates for the following year 99 B.C., but Glaucia had a rival candidate murdered, which provoked violent disorders. The Senate adopted a decree calling on Marius to restore order. Marius forced the surrender of Glaucia and Saturninus and placed them in a building for safe keeping, but their enemies tore off the roof of the building and stoned them to death, as a result of which, Marius suffered a political eclipse and went into seclusion for several years.

The Senate was once more triumphant and the Populares were discredited. The Optimates celebrated their triumph by seeking to place a check on demagogic legislation through the passage of a law declaring the inclusion of unrelated or extraneous topics in any single legislative enactment illegal, and requiring that the customary interval of 3 market days between the formal publication of an impending measure and the actual voting on it to be strictly observed.

So here—I see my friend from Mississippi smiling; I see a smile on my friend's face from Alaska. They know what I am about to say—here was a type of Byrd Rule 2,092 years ago, dealing with unrelated and extraneous matter.

Perhaps a better awareness of these rules of parliamentary procedure in ancient Rome will help the Members of the United States Senate and House of Representatives to better appreciate and understand the importance and significance of our own rules.

In 91 B.C., the Roman Tribune, Livius Drusus, promised non-Roman Italians

that he would bring forth legislation to give them Roman citizenship. The Senate and the Equestrians were very much opposed to this, and Drusus, learning of a plot against his life, removed himself to the atrium of his House, where he transacted the public's business. It was poorly lighted, and one evening, when he was sending a crowd away, he suddenly exclaimed that he was wounded, and fell down while uttering the words. A shoemaker's knife was found thrust into his back.

When the Italians heard of the murder of Drusus, they considered it no longer tolerable for those who were laboring for their political advancement to suffer such outrages and, as they saw no other means of acquiring citizenship, they decided to revolt against the Romans altogether and to make war against them.

They, therefore, sent envoys secretly to one another, formed a league, and exchanged hostages as a pledge of good faith. They also sent ambassadors to Rome to complain that, although they had helped Rome to fight its wars of conquest, the Romans had not been willing to admit the Italians to citizenship. The Roman Senate sternly rejected their pleas.

Appianus, or Appian, states in his history of the civil wars that when the revolt broke out, all the neighboring peoples declared war at the same time. Thus, in the year 90 B.C., the Social War began. It is sometimes referred to as the Marsic War, sometimes as the Italic War, and sometimes as the War against the Allies.

The non-Roman Italians had forces amounting to about 100,000 foot soldiers and horsemen, besides the soldiers that remained as guards in each town.

The Romans sent an equal force against them, composed of the Roman legions and the Italian peoples who were still in alliance with them. The Romans were led by the two consuls, Sextus Julius Caesar and Publius Rutilius Lupus. Serving with them as lieutenant generals were such renowned men as Gaius Marius, Lucius Cornelius Sulla, Gaius Perpenna, Publius Licinius Crassus, Gnaeus Pompeius Strabo, the father of Pompey and under whom both Pompey and Cicero served during the Social War.

The non-Roman armies had several very able generals, as well, to lead their united forces. The consul Rutilius Lupus lost his life in the war, as did tens of thousands of others on both sides. The body of Rutilius, along with the bodies of many others, was brought to Rome for burial. Their corpses made a piteous spectacle. The Roman Senate decreed that from that time, those who were killed in the war should be buried where they fell, lest the spectacle deter others from entering the army.

Another consul, Cato Porcius, subsequently was killed. The Romans decided to bring an end to this terrible war, which was costing them so heavily in treasure and in blood. So they conceded the issue at stake. All Italy was now united, and all of the peoples south of the Po River received Roman citizenship. By promising Roman citizenship to all those who had not yet revolted or who would lay down their arms, the Roman Senate belatedly acknowledged the folly of its policy opposing Drusus.

The revolt had brought Marius out of exile. The Senate had already appointed Lucius Cornelius Sulla to the command in Asia Minor against the able and ambitious King of Pontus, Mithradates VI, Eupator. However, with the aid of a demagogic tribune, Publius Sulpicius Rufus, the command in Asia Minor was transferred by law to Marius, whereupon Sulla marched his army back to Rome. Marius and Rufus hastily collected troops to fight a pitched battle of Romans against Romans in and around the city itself.

Appian writes, "Now for the first time, an army of her own citizens invaded Rome as a hostile country. From this time, all civil dissensions were decided only by the arbitrament of arms."

Sulla was victorious. Marius barely escaped with his life to Mauretania. Sulpicius was killed and his head severed from his body and nailed to the rostra in the Forum. We are told that Sulpicius had been betrayed by a slave, and that Sulla rewarded the slave for his services by freeing him, and then having him executed for his treachery.

Sulla hastily tried to reorganize the Roman Government by strengthening the Roman Senate and reviving the army assembly, the comitia centuriata, and by using it to replace the Tribal Assembly, the comitia tributa.

Leaving two consuls, Lucius Cornelius Cinna and Gnaeus Octavius, sworn to support the new constitution, Sulla hurried off to fight Mithradates in Asia Minor. He had not been gone long before Cinna impeached Sulla and proposed the recall of Marius. The Senate deposed Cinna. He was driven from the city by the other consul, Gnaeus Octavius.

Cinna fled to raise an army, to return and besiege Rome. Marius also returned and the two of them overcame all resistance, again capturing Rome with a Roman Army. With a cruelty beyond belief, they hunted down their opponents. Octavius and leading Senators and Equites were brutally slain.

Appian writes, "They killed remorselessly. All the heads of Senators were exposed in front of the rostrum. All the friends of Sulla were put to death. His home was razed to the ground, his property confiscated, and himself voted a public enemy. A search was made for his wife and children, but they escaped."

Marius died early in 86 B.C., soon after beginning his 7th term as consul. Cinna was left to lord it over Rome, where he was supreme as consul for that year and for the succeeding 2 years.

Meanwhile, in Asia Minor, Sulla was victorious. He had slain thousands and collected a vast treasury. He now prepared to return with a well-equipped, seasoned army to exact the terrible revenge which he had been planning in cold blood. Cinna was under no illusions as to the fate that awaited him. He started with an army to sail to Macedonia to intercept Sulla. But Cinna was assassinated by his own soldiers in a mutiny at Brundisium, and the fleet did not sail. The followers of Marius and Cinna, nevertheless, would not yield in Italy without a struggle.

Sulla landed in Italy in 83 B.C., and, at the Colline Gate, destroyed an opposing army, massacring to the man the Samnites who had joined it. With a ruthless barbarity, he pursued all those whom he considered to be his enemies, putting up proscription lists of their names and declaring rewards for those who murdered them or who informed against them.

Paterculus, the historian, says that Sulla "was the first to set the precedent for proscription." Plutarch says, "Husbands were dispatched in the bosoms of their wives and sons in those of their mothers." The innocent rich were included in the proscription lists in order that their property might be confiscated. All of Italy was in terror of Sulla's name. After a while, the proscriptions ceased and Sulla went about the business of reorganizing the government.

Sulla was named dictator in 82 B.C. He brought about the appointment of an interrex who, under a special law, then appointed Sulla as dictator for an indeterminate term. This meant that Sulla had all the powers of consuls and tribunes and censors, the combined powers of all the magistrates. Whereas the old practice had allowed the appointment of a dictator for a limited term of no more than 6 months, this new law made possible an open-ended appointment. Sulla, by virtue of this unlimited term and the scope of his powers, became the most powerful person in Roman history up to that time. He had unprecedented autocratic authority.

Mr. President, Sulla was now the complete and absolute master of Italy. He reshaped the Roman Government to suit his own conservative ideas. He made the Roman Senate the most powerful body in the state, weakened the powers of the tribunes, subjected all magistrates to strict accountability, and deprived the equestrians of the privilege, that had been granted to them by Gaius Gracchus, of sitting as judges in their own cause.

Sulla also sought to improve the caliber of men sent to govern the republic's growing empire. He tightened up the whole machinery of government, and settled thousands of his veterans on land throughout Italy that had been confiscated from the vast numbers who had perished or been proscribed in the frightful slaughter he had let loose.

When Sulla voluntarily retired in the year 79 B.C., he depended upon his aristocratic friends not to allow any infraction of the revised form of senatorial government that he had created. He died the following year, 78 B.C., probably from colon cancer.

Mr. President, as we look back now, we see momentous changes that have taken place. Elderly Romans who were boys in the days prior to Tiberius Gracchus had seen their world overturned. Young Romans like Pompey and Cicero, who were 28, and Julius Caesar, who was 21, when Sulla retired, had lived through unspeakable horrors that were utterly alien to the traditional, idealized notions that they had held about their country.

The Roman Republic was still a Republic, but it was far different from the Republic that had already been in existence 350 years when it attracted the admiration of the historian Poloybius in the middle of the second century B.C.

The army was no longer made up of the tough rural farmers, many of whom came from the most mountainous areas of the peninsula. Marius, in creating a professional army, had created a new base of power for ambitious men to exploit and use as an instrument of despotic authority.

And what of the Roman Senate? In the old heroic days, the Senate was the most powerful body in the State. It held supreme power because of the respect given to its wise, courageous, and incorruptible leadership. But the power that Sulla conferred upon the Senate—he had increased the number of Senators to 600 during his dictatorship—the power that Sulla conferred on Roman Senators made them neither wise nor courageous. As to the incorruptibility of the Senate—which Cineas in 280 B.C., had compared to an "assemblage of kings,"—its sad decline was pregnant in the prescient words uttered by Jugurtha 170 years later at the time he was ordered to leave Italy.

After passing through the gates of Rome, it is said that he looked back at the city several times in silence. Suddenly he exclaimed, "Yonder is a city put up for sale, and its days are numbered if it finds a buyer."

Mr. President, the Republic's days were numbered.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHEWS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that my remarks appear as if in morning business.

The PRESIDING OFFICER. We are in morning business.

THE NEED FOR A COMMITMENT TO THE NATIONAL DRUG CONTROL STRATEGY

Mr. HATCH. Madam President, on Thursday, July 1, President Clinton's Director of the Office of National Drug Control Policy, Lee Brown, was sworn into office. I was there in the Rose Garden. At that Rose Garden ceremony, President Clinton pledged his commitment to fight the many-headed monster of drug abuse, and then he stated that he planned to increase drug demand reduction programs by 10 percent.

The very next day, the Washington Post reported that the Clinton administration had, in fact, agreed to a $231 million cut in drug treatment and education funds by the House of Representatives. Administration officials from the Office of Management and Budget were reported to have privately suggested many of the cuts.

The sum of $131 million was cut from the drug free schools program and another $100 million was cut from treatment programs, much of which would have gone to urban areas. As Herb Kleber, executive vice president of the Center on Addiction and Substance Abuse, was recently quoted as saying, "This is a shameful retreat from the fight against drugs."

I would not be so quick to take the floor to make note of this retreat if it were simply an isolated incident. But it is not. This is just another example, on an ever-growing list, of where the administration talks tough about drugs but fails to come through with action.

For example, on February 1, 1993, the Clinton administration was required by law to submit to Congress its first national drug control strategy. Nearly 6 months later, it still has not done so. Some delay is understandable for a new administration, but this has gone on too long. The President announced his plans to make the drug czar's office Cabinet level, and then proceeded to cut the staff size from 146 to 25. Additionally, budget allocations for prosecutors have been reduced, prison construction is being cut, we now see drug treatment and drug education being cut, there is talk about not prosecuting certain drug offenses, and it appears interdiction efforts will be cut back.

It is no secret around here that I favor cutting the budget. But to cut the budget in this area calls into question the administration's commitment to address the drug problem effectively. It is also shortsighted to cut the budget for the drug war if only because paying to fight the subsidiary problems of drug abuse—health care, crime, lower productivity—is also so expensive. This is not to mention the tragic human costs of drug abuse to children and families.

Despite my concerns, I take comfort in knowing that Lee Brown is on the job. He has publicly criticized these most recent cuts. He has been quoted as saying that his staff of 25 people "is not sufficient to carry out the mandate of the drug czar's office." That was in the Washington Post on July 8. I believe that Lee Brown has already demonstrated that he is willing to take on this challenge and that he has the courage to tell it like it is.

Still, he cannot do it alone. Our drug czar needs a capable staff equipped with a workable battle plan for action against illicit narcotics. And he needs the support of his boss, the President of the United States.

Americans and the Congress have recognized the drug problem and have worked with the past administration and the drug czar's office to implement a national strategy against drug abuse. Much has been accomplished. More resources have been devoted to the war against drugs; there are more drug education programs; we have expanded drug treatment capabilities; and casual drug use has declined. Still, we have a long way to go—specially in fighting the problems of hard-core addiction, rural drug abuse, and drug-related violence.

The question is, does President Clinton really want to lead the Nation in this fight? Recently, columnist A.M. Rosenthal harshly criticized President Clinton's leadership and questioned his willingness to meet this challenge. In a recent article Mr. Rosenthal writes, "Before it is too late, Americans should realize that the concept of the war against drugs is in danger of being dismantled and the result will be creeping legalization. If that is what they want, fine—they can get it by just keeping silent." That was in the New York Times on May 18. Frankly, I think Mr. Rosenthal is right on target here. Congress cannot remain silent.

I hope President Clinton and the rest of the administration will begin to demonstrate a stronger commitment to sustaining a vigorous national effort against drugs and drug abuse. Lee Brown recently was quoted as saying that drugs may be no longer be "at the top of the agenda" as a political issue. That was in the Washington Post on July 8. I think this administration ought to make it a top issue for the good of the country.

I stand ready to work hand in glove with President Clinton and Lee Brown

in continuing the fight against drugs. When a strategy is presented to Congress, I look forward to reviewing it, discussing it with the drug czar and the Attorney General, and, where appropriate, suggesting changes. Through a sustained effort on the part of the Clinton administration, I believe we can continue to make progress in the fight against drug abuse and drug-related violence throughout all of America. So I hope the administration gets going soon.

I am very concerned because I see this scourge undermining much of what is good in America. I see this scourge undermining much of what is good among our young people. I see a lot of young people who really do not have to suffer this way, who really do not have to be tempted this way, who really do not have to put up with this type of treatment if we just do what is right now.

I believe this administration can. I have faith in Lee Brown as a good leader. I intend to back him, and I intend to help him, and I intend to help this President. But I hope they get on the ball and start doing something about it and get this policy and this program going.

Madam President, I ask unanimous consent that the article by Mr. Rosenthal and the July 8, 1993, article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 1993]

DISMANTLING THE WAR

(By A. M. Rosenthal)

Before it is too late, Americans should realize that the concept of the war against drugs is in danger of being dismantled and the result will be creeping legalization.

If that is what they want, fine—they can get it by just keeping silent.

But if they are among the huge majority of Americans who believe legalization would build drug addiction into American life forever, then they should make themselves heard now. There is still time, while decisions are being made in government.

Until recently everybody interested in fighting drug addiction instead of surrendering to it by legalization accepted one concept: The struggle could not be won by one weapon but only through an irreducible variety, each strong. They were six:

Reduction of foreign drug crops. Interdiction of drug smuggling. Enforcement of laws against making, selling or using drugs. Education against drugs. Treatment of addicts. Presidential leadership.

Now four of the six are in question: reduction, interdiction, enforcement, leadership.

For about 20 years, ever since the drug war became an obvious top priority, there has been argument about how to divide the money. Mostly it was about how much law enforcement and interdiction should get compared with treatment.

I believe that funds for the whole arsenal should be expanded rather than weaken any part of it. If not, give more money to treatment, without killing the rest of the package.

But now elected and appointed officials are making it clear that they have no real interest in some of the essential instruments of the struggle.

A few Federal judges are saying they will no longer handle drug cases involving mandatory sentences. They should resign, rather than just defy legislative law—or be asked to leave by Congress.

They help spread the myth that the drug laws have failed. The truth is we do not know because the "mandatory" sentences have not been carried out nationwide.

Prof. John J. DiIulio Jr., of Princeton and the Brookings Institution, a particularly lucid expert, says that most drug criminals spend only 10 months in prison, less than a third of their average sentence; that most of them are not in jail for possession but for organized selling and distributing; that in state prisons they are mostly men who served time for other crimes, and that on the street the possibility of long jail time is a prime deterrent. I save my sorrow for Americans and foreigners hunted down by drug gangsters, or just shot in casual sport.

Interdiction is now routinely called a failure by trendies because it did not seal off America. That was not the goal—just to make life harder for the drug trade, instead of saying come right in and ruin us.

But some in the Clinton Administration, including Attorney General Janet Reno, make it known that they do not have much interest in pursuing interdiction. How would you like to be an American agent risking his life to fight drug smuggling and production? Or a Latin president who trusted America to carry out life-and-death promises from one administration to another?

Drug arrests diminish in some cities because the assumption grows that law enforcement does not work in the street. Says who? Ask Americans who live in neighborhoods where children cannot step out of the house for fear of drug crossfire. Do they want even less protection than is now their miserable lot?

What's more, reducing drug arrests immediately reduces the hope in treatment. Drug criminals are often hard-core addicts who will not subject themselves to tough therapy until they are behind bars.

I do not suggest a conspiracy in Washington—just trendiness, mushy thinking, lack of commitment. Perhaps that is a matter of middle- or upper-class background, where it is easier to quit drug use, so it all seems not so terribly terrible. The legalizers will take advantage of all that, creep by creep.

They will achieve de facto legalization unless Americans speak up, most of all President Clinton. By acting as if the drug struggle is interesting, but not very, he dismantles his own leadership role. From the campaign, most voters did not expect that.

Four out of six endangered—but all salvageable. Pay attention or pay the price; free choice.

[From the Washington Post, July 8, 1993]

DIRECTOR OF DRUG POLICY PROTESTS WHITE HOUSE ACCEPTANCE OF CUTS

[By Michael Isikoff]

National Drug Policy Director Lee P. Brown, conceding he was "out of the loop" on a key budget action affecting his office, yesterday vowed to fight to restore $231 million in House-passed cuts in anti-drug programs that Clinton administration officials had accepted.

Brown, who was nominated in April and took office June 21, said he was unaware of the drug treatment and drug abuse prevention reductions until he read about them in The Washington Post last Friday. After learning that Office of Management and Budget officials had acquiesced informally in the cuts last month during negotiations with the House Appropriations Committee, Brown said he met with OMB Director Leon E. Panetta this week to protest the action and make sure he is consulted about any such moves in the future.

"Certainly, it's not what we wanted to see happen," Brown said when asked about the cuts during a briefing yesterday. "Things have gone on that would not have gone on if a drug director had been in place. . . . We have got to get back in the loop."

The House cut $131 million from an Education Department "drug free" school program and another $100 million from treatment programs. The cuts, and the disclosure of OMB's acquiescence in them, embarrassed the White House last week and prompted some antidrug advocates to question the administration's commitment to continuing the drug war. President Clinton had pledged during last year's campaign to dramatically expand federal support for treatment programs—a goal that some treatment advocates say will be severely set back if the Senate upholds the House action.

The move also raised new questions about the role Brown, who won respect of police and others as New York City's police commissioner, will play in the Clinton administration. Although Clinton formally made him a member of his Cabinet, a White House directive in February slashed the staff of the drug policy office by four-fifths, mandating it be reduced to 25 positions by October.

Brown said yesterday he was "not happy with the cutbacks in staff" and has protested them to White House deputy chief of staff Roy Neel. Brown said 25 people "is not sufficient to carry out the mandate of this office."

But it was unclear yesterday whether Brown will have any luck. The staff cut was part of a broader White House directive aimed at meeting another presidential campaign pledge: to cut the White House staff by 25 percent. The White House did not respond to a request for comment yesterday.

"The fact of the matter is the president dug [Brown] a very deep hole" by cutting the staff, said John P. Walters, a former deputy and acting director in the drug office during the Bush administration. "It was already a difficult job. They've come close to making it impossible."

Nonetheless, Brown said that because he will be sitting at the Cabinet table he will have clout that the office never had under President George Bush. He also said that while drugs may no longer be "at the top of the agenda" as a political issue, "I want everybody to understand that we still have a very serious drug problem in America. . . . My duty is to raise the consciousness of the American people."

Brown said his initial goal will be to prepare a general administration drug strategy for presentation to Congress in September. That will be followed by a more detailed blueprint next February. Asked how these might differ from previous policy statements by two Republican administrations, Brown said they will place more emphasis on treatment and prevention programs rather than law enforcement. "I want drugs to be considered as more of a public health problem than as a criminal justice problem," he said.

But Brown offered few specifics and did not suggest any programs that he would curtail. Despite doubts expressed recently by Attorney General Janet Reno about interdiction

efforts, Brown said it would be wrong to "open up the borders" to drug traffickers.

Brown also ruled out even any discussion of legalizing drugs. "I would equate the legalization of drugs to the moral equivalent of genocide," he said.

REGISTRATION OF MASS MAILINGS

The filing date for 1993 second quarter mass mailings is July 26, 1993. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

SEX SELLS; IT ALSO MASTERS

Mr. HELMS. Madam President, Dr. L. Nelson Bell was one of those remarkable human beings who comes along only occasionally. I knew him as Dr. Billy Graham's father-in-law. He was a professional baseball player, briefly, before he entered medical school. Then, sometime in the late 1930's, if memory serves me well, he and his family went to China where he served as a medical missionary.

His daughter, Ruth Graham Bell, bless her heart, has never lost her affection for the Chinese people. On countless occasions we have worked with her on problems involving the Chinese.

When Dr. Bell returned to western North Carolina, he founded the Presbyterian Journal, a very readable and informative publication that appealed to Christians of all denominations. This Baptist became a subscriber long ago and I always enjoyed the publication.

At Dr. Bell's death, the Presbyterian Journal was acquired by God's World Publications in Asheville, NC. It was then that the publication, the World, emerged—a very professional, very impressive review of the news of the world, particularly news relating to morality, religions, ethics, and human behavior.

A gentleman named Joel Belz is editor of this news magazine. In each issue he publishes an editorial page. He is a fine craftsman and obviously a profound thinker.

In the July 3 edition of the World, editor Belz examined the subject of sex, and how it is so abused by so many. The heading of his editorial warns: "Sex Sells; It Also Masters." The subheading cautions: "And the Mastery Leads Us to Ignore Some Plain Facts."

Editor Belz does not sermonize his readers. He is not holier than thou. In this instance, as is always the case with his editorials, he implores his readers not to ignore plain facts.

Madam President, I want to share this particular editorial with Senators, and with others who read the CONGRESSIONAL RECORD. Therefore, I ask unanimous consent that the aforementioned editorial be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SEX SELLS; IT ALSO MASTERS—AND THE MASTERY LEADS US TO IGNORE SOME PLAIN FACTS

Pavlov was wrong—at least when it comes to the matter of sex.

The famous Russian physiologist believed that all acquired habits (and even some higher mental activity) are based on chains of conditioned reflex. He thought his experiments showed that when any subject—a human being, a dog, or a rat—made an association between a couple of happenings over a long enough period of time, that subject's behavior would be affected accordingly. The association I remember from my early not-so-detailed studies of Pavlov is of a cocker spaniel regularly beginning to salivate every time he bit and pulled a string that rang a bell.

But Pavlov's theories, however well they might work out when they have to do with other kinds of conditioned response, don't seem to work so well with sex. For the evidence is overwhelming that people keep on choosing destructive behavior even when they have learned repeatedly how chintzy the rewards of that behavior are.

No example is more dramatic than AIDS. By the thousands, men around the world do particular things that have indisputably devastating results. No one doubts the connection between the behavior and the death sentences they produce. Does the behavior change because of that knowledge? Hardly at all.

But just as one kind of sex brings unwanted death, another kind of sex brings unwanted life. Teenagers aren't really ignorant of the relationship between sexual activity and pregnancy; they've had the connection demonstrated for them a lot more times than any cocker spaniel ever pulled the string on a bell. Yet they choose to ignore the obvious lessons.

The list of unlearned lessons goes on:

The close tie between promiscuity and disease has little effect on the popularity of casual sex.

The demonstrated connection between marital infidelity and family collapse doesn't keep people from jumping into bed with each other's spouses.

In other words, we simply don't learn our lessons as well as Pavlov says we should have learned them. Experience isn't nearly as good a teacher as it should be. Still, when the evidence provided by experience is so overwhelming, we really ought to ask: Why are we such slow learners?

I'd suggest a combination of two reasons:

First, God has built sex into us as human beings as perhaps the most volatile of all his gifts. No one can doubt that Madison Avenue knows what it's doing when it uses sex to move products. It works. And it works primarily because God made sex to be a very compelling force in our lives.

The problem is that sex is just as compelling when we use it wrongly as it is when we use it the way God wanted us to. And an astonishing proportion of society's problems these days are traceable directly to such compulsions.

By compulsion, I mean precisely the kind of behavior we engage in even when all the evidence suggests we shouldn't. There are compulsive eaters, compulsive drinkers (coffee as well as alcohol), compulsive gamblers, compulsive baseball fans, and compulsive shoppers. (OK, so maybe baseball doesn't belong in the list—but it's worth pondering.) But each of those, relatively speaking, exacts its toll from a relatively small segment of society. Sexual compulsion, at one time or another, has sent its bill to almost every one of us.

But second, there is something about sexual compulsion which, whether by God's design or our perversion of his design, is much more off-limits for other people's involvement than is the case with other compulsions. If a compulsion for alcohol begins to consume someone, for example, even our secularized society doesn't hesitate to step in and help deal with the problem. If someone on your street swells to 300 pounds from overeating, it may be a slightly touchy subject, but your face probably won't turn red if the subject turns to Weight Watchers. If it's too difficult for personal discussion, at least the media aren't afraid to discuss the rights and wrongs of overindulgence in all these various aspects of modern life.

Yet somehow, when it comes to sexual behavior, society finds it impermissible to bring into popular discussion the wisdom of experience. Mind you, I'm talking here not about going on Oprah Winfrey with an appeal from the Bible, but merely to say something like, "Hey, when you pull this string, I've discovered that a bell rings!" Such practical discoveries are out of bounds and politically incorrect.

Given the enormity of the consequences, that is a remarkable thing. To know for a fact that the huge social issues of AIDS, abortion, and venereal disease all have easily demonstrable ties to how we act sexually, but not to be able to talk publicly about the consequences of those sexual acts, is incredible. To know that a change in behavior by a defined group within society would clear up AIDS and release billions of dollars in research and health care for other needs, but not to be permitted even to discuss that, is preposterous. To know that tens of billions of welfare dollars could be trimmed from the federal deficit if people took seriously God's ideas about sex and marriage, but never to be able to bring up those ideas in public discourse, is unfathomable.

It's what the apostle Paul had in mind when he talked about the tendency of sinful people to "turn the truth of God into a lie." It's bad enough when individuals do that. When a whole society makes it a way of life, it gets terrifying.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that

"Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,336,575,146,686.68 as of the close of business on Friday, July 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,883.10.

DEATH OF DAVEY ALLISON

Mr. HEFLIN. Madam President, the people of Alabama and racing fans all over the country were deeply saddened early this morning to learn of the untimely death of stock car driver Davey Allison. The 32-year-old member of stock car racing's First Family passed away in Birmingham after a helicopter he was piloting crashed in the infield at the Talladega Superspeedway. Davey often referred to the speedway at Talladega as "his home track," the site of his greatest success as a driver. The tragic accident occurred yesterday when Davey and driver Red Farmer flew to the speedway to watch test driving.

Unfortunately, this tragedy is not the first for this legendary Alabama family from Hueytown, a quiet city located just southwest of Birmingham. One of NASCAR's all-time greats, patriarch Bobby Allison saw his career come to an end in 1988 when he was involved in a devastating crash at Pocono International Speedway. Bobby was recently voted into the International Motorsports Hall of Fame.

Next, it struck Davey's brother Clifford, his career cut short at age 27 by a fatal crash 1 year ago at the Michigan International Speedway. Davey himself had survived a racing crash last year at the same track where his famous father was injured. During this accident, his car flipped an astounding 12 times. Like all the Allisons, though, who are known in Alabama and racing circles for their perseverance and determination, Davey quickly rebounded and qualified his car for the race that following weekend at Talladega. He raced the first five laps with a cast on his arm.

Davey Allison was clearly on his way to the top in the world of stock car racing, a pastime that borders on religion in Alabama and other parts of the country. He was ranked fifth in the NASCAR standings for this year and finished third in the Winston Cup standings in 1991 and 1992. His first win came at the Winston 500 race in Talladega in 1987, and over the course of his brief career, he enjoyed 19 victories. He was named rookie of the year in 1987, the first rookie in the history of the sport to sit on the front row at the Daytona 500 with a lap over 209 miles per hour.

I think it says something about the kind of person that Davey was that he never asked "why me?" in conjunction with the tragedies he and his family have endured over the last 5 years. Only recently, he commented to a friend that his trials were no different than the people under water in Des Moines, IA, or anyone else who loses a brother. Davey's attitude was characteristic of the Allison family. It seemed the greatest tribute Davey could pay to these loved ones was to charge on, harder and faster than ever before. That strength and perseverance will remain his greatest legacy.

Madam President, I wish Red Farmer, who was in the helicopter with Davey and who is still hospitalized, a speedy and full recovery. I also extend to the entire Allison family, including Davey's wife Liz, their children Krista Marie and Robert Grey, and his parents Bobby and Judy, my deepest condolences in the wake of this tremendous loss.

TRIBUTE TO IRWIN LERNER ON HIS RETIREMENT

Mr. LAUTENBERG. Madam President, I stand before you today to pay tribute to Mr. Irwin Lerner on his retirement as president and chief executive officer of Hoffmann-La Roche, Inc. Throughout his 12-year tenure as president and chief executive officer of Hoffmann-La Roche, Mr. Lerner's outstanding efforts and widely hailed accomplishments in the pharmaceutical industry have stood as a model for all to follow.

Irwin Lerner, a New Jersey native, received his BA from Rutgers State University and his MBA from Rutgers Graduate School of Business Administration. He has been graciously giving back to the State of New Jersey ever since. Mr. Lerner has spent 31 years, of his 40-year career in the pharmaceutical industry, working with Hoffman-La Roche. Headquartered in Nutley, NJ, Hoffman-La Roche is the United States affiliate of the multinational group of companies headed by Roche Holding Ltd. of Basel, Switzerland, and is known as one of the world's leading research-intensive health care companies.

Hoffmann La Roche's corporate slogan "Working Today for a Healthier Tomorrow," has been demonstrated through Mr. Lerner's continuous efforts to improve the quality of life for Roche's employees, the professionals who prescribe and use its products and services, and the people who benefit from them. Mr. Lerner is best known for his leadership and innovation in the field of prescription pharmaceuticals. During the time he headed the company, Roche launched several breakthrough medications, including the first effective treatment for severe, treatment-resistant acne and the first recombinant human interferon product ever to enter clinical trials.

Mr. Lerner has successfully taken the lead in the battle against AIDS. He has shown outstanding dedication and commitment to AIDS research, as well as provided social services and public education forums on AIDS. Under his stewardship, Roche has launched a new therapy for AIDS, HIVID, which is used in combination with AZT. Roche made pharmaceutical industry history with HIVID for the most rapid nationwide distribution of a medication following Food and Drug Administration approval. Mr. Lerner's wholehearted devotion to securing financial and human resources to help organizations provide AIDS education to the public and HIV-infected people exemplifies his caring nature.

In the pharmaceutical industry, Mr. Lerner is widely known and respected not only for his success as a corporate executive, but for his leadership in addressing industry issues. He is a member of the board of directors of the Pharmaceutical Manufacturers Association [PMA] and has long served as chairman of the PMA Board Committee on Food and Drug Administration [FDA] issues. Mr. Lerner was the driving force behind the 1992 passage of a landmark bill empowering the FDA to charge pharmaceutical companies user fees as part of an effort to speed the approval of new drugs. Upon hearing of his retirement, FDA Commissioner Dr. David Kessler described Irv Lerner as "the key actor and true visionary in helping to forge a strong and collaborative relationship between the pharmaceutical industry and the Food and Drug Administration." Mr. Lerner has successfully extended Roche's commitment to corporate social responsibility as demonstrated through his broad support of the voluntary health and nonprofit human service communities and numerous initiatives in patient information, math and science education, environmental protection, and drug abuse prevention.

Irwin Lerner has dedicated his life to improving the quality of life for others. I salute and applaud Irwin Lerner, whose commitment, vision, and energy have benefited so many.

FLOODING IN THE MIDWEST

Mr. BOND. Madam President, I thank the Chair and my colleagues for their thoughtfulness in allowing me to proceed, because I want to address, very briefly, a subject of great concern. Many colleagues in this body have asked about it, and I wanted to give a very brief report on the extent of the floods and devastation that have been visited upon my State, as well as neighboring States in the Midwest.

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Any of us who have watched the national news have seen pictures of flooding along the Mississippi, and it truly is devastating. Yesterday, we were there and we were visited by Vice President AL GORE, who came out to see the flood waters, and who has promised to work on a bipartisan basis to get the flood relief that is needed.

But as he said and as I have seen in traveling around the State for the last 7 days, this is not just a problem along our Mississippi River. This is a problem on the Missouri River as it comes down from Iowa and goes across our State. It is a problem on tributaries feeding into these rivers.

We have also been visited by flash floods with heavy rain storms that have killed people in southwest Missouri. They have killed people in the Kansas City area. We have had more deaths from the flooding in Missouri than have any other State.

This is a regional disaster of monumental proportions. I have told some of my colleagues that the devastation that is being wreaked upon our State and the rest of the Midwest is much like the devastation that afflicted south Florida last year in Hurricane Andrew.

I have had the privilege of serving my State as Governor for 8 years. In my first year in office in 1973, I saw what at that time were record floods, and I thought that the magnitude of the flooding was very significant. Unfortunately, I must tell you that the flooding that I have seen now is worse than the flooding that occurred at that time.

By Sunday in St. Louis, the flood level is expected to crest over 45 feet, 2 feet higher than ever before. It is possible by Sunday that our capital city of Jefferson City will be marooned. The historic first settlement west of the Mississippi in Sainte Genevieve is undergoing a violent fright. It has been threatened by flood waters for 2 months. With the help of the National Guard and local people they are fighting the flooding.

I have been in the Cape Girardeau area. I went down to see them fight to maintain the levees there. Large levees protecting all of southeast Missouri and elsewhere are in danger because of the continuing rains.

Just to give you an idea of the magnitude, 7 Federal levees will be breached, 120 non-Federal levees will be breached.

The President has declared 49 counties and the city of St. Louis a disaster area. The barge traffic on the rivers has been stopped and will be stopped for a month at the cost of $1 million a day.

I rode across a railroad bridge on the Mississippi River on Friday, the last remaining rail link between east and west in our State with the flood waters lapping at the base of the railroad bed, and, as I said, we are looking at possibly continued flooding.

I have seen heroism. I have seen dedication. I have seen volunteers who do not care about the heat, young people and old who are handling sandbags taking care of the people who are suffering. A young mother in Lemay said that her five children had been farmed out to families because her house was halfway under water. There have been instance after instance of people with resignation but with patience and good humor who are undergoing tremendous trials and tribulation. There are long-term health damages, health dangers. Sewage treatment plants all along the river have been knocked out. The cost of restoring them is great.

Obviously, the immediate term health effects are very severe for everybody downstream.

We are going to need assistance. We are going to be coming to this body, working with our colleagues in the House, to get the kind of full-scale relief that we need. Men and women who are in official positions working day and night are strained to the limit. The Federal resources are cooperating. FEMA is cooperating with the corps. But it is a situation that unfortunately is not showing any signs of improving and by this weekend, unfortunately, we may see even more problems.

There is the disaster for farmers. A half million acres are already under water. The damage will undoubtedly be in the billions of dollars.

I advise my colleagues of this because it is something that is going to require prompt assistance. We are looking forward to receiving a message from the President.

To all those people who have expressed interest in helping, let me say that we are deeply grateful. The Salvation Army and the Red Cross are providing assistance. All that assistance in the private sector is most appreciated. The people who have been flooded out express their gratitude to all those who show concern.

I express my thanks to my colleagues for giving me this moment, and I advise them that I must be calling on them for assistance in the future.

SITUATION IN SOMALIA

Mr. BYRD. Madam President, the situation in Somalia has changed since the introduction of United Nations Forces. As my colleagues will recall, President Bush sent United States Marines into Somalia last winter on a humanitarian mission. Senate Joint Resolution 45, which passed the Senate in February of this year, constituted authorization for using U.S. forces to establish an environment secure enough to conduct humanitarian relief operations. The general understanding at that time was that the United States was committing itself for a short-duration operation. We were not intending to pacify all of Somalia but to secure limited areas in which critically needed aid, primarily food, could be distributed to end mass starvation. The authority embodied in the Senate-passed resolution was very limited, therefore, and the Senate most certainly did not have political solutions in mind.

Now, Madam President, we have turned our operations over to the United Nations, but the United Nations seems to have in mind a much expanded mission which appears to me to be an open-ended mission with open-ended duration. According to the U.N. resolution adopted on December 3, 1992, the U.N. effort is aimed at "facilitating the process of a political settlement. * * * aimed at national reconciliation * * *" This policing process has now squared off U.N. Forces against local warlords. Missions of food relief have now taken a back seat to participation in conflict with local warlords. This was never the Senate's intent. On the heels of the December 3, 1992, U.N. resolution, then White House spokesman Marlin Fitzwater emphasized that "we want to make it clear that this U.N. force would be designed to get humanitarian supplies in, not to establish a new government or resolve the decades-long conflict there or to set up a protectorate or anything like that."

The situation of yesterday highlights the peril of expanding the original humanitarian mission. Three journalists were killed, one by stoning, another by being beaten, another shot, a fourth missing and presumed dead, and two others narrowly escaped with their lives with machete and bullet wounds from a frenzied crowd. This is the first violence imposed on journalists, and follows escalating violence between warlord forces and U.N. Forces. The United States has a contingent among the U.N. Forces, and has recently reinforced that contingent. Where are we going with this policy?

Madam President, these were not American journalists. I read from the Washington Post story of today this excerpt: "Today's mob violence was the first directed specifically at foreign journalists in 2 years of strife." One was a German photographer with the Associated Press, confirmed dead, another was a Kenyan, a third was a British-born resident of Kenya, both photographers for the Reuters News Agency.

Now, Madam President, if these were Americans, there would be a lot of speeches on this floor. They were not American journalists. If they were American journalists, what would the American press corps be saying? The American press corps would have a lot to say about it. These are going to be Americans one of these days. And America is not going to like it.

The United States has a contingent among the U.N. Forces and has recently reinforced that contingent.

The Senate is not being asked if this is OK. Does the Senate support these actions which progressively may lead us deeper and deeper into a difficult situation? So, where are we going with this policy? The Senate has not bought into a police action against Somali warlords. I have not cast any vote to do that.

On June 17, 1993, I made a statement opposing the introduction of additional U.S. Forces in the U.N. operation. Nobody paid any attention to my statement. The press never noticed it. But the day is coming, Madam President, when the press is going to notice it and other Senators are going to notice it.

The violence imposed on international journalists came on the heels of an attack mission conducted by U.S. aircraft, including six Cobra helicopter gunships.

I thought we were going into Somalia to make it possible to stop the starvation of men, women, and children. We anticipated there would be some problems. We knew about the warlords because it was they who were depriving the men, women, and children, the starving peoples, from getting food. But we were not told that it was going to be an open-ended operation, which it appears that it is becoming, or that we were going in there to settle political problems and make peace between rival warlords.

I spoke this morning about the Romans who had no obligation to go into Numidia and interfere there in the internal affairs of Numidians. I did not know earlier that we would be doing the same thing—interfering in political affairs, bringing about a political resolution, restoring peace between and among warlords. Is that what we are doing?

According to the Pentagon today, the United States has 3,925 personnel in Somalia as part of the 18,905-man-strong U.N. Force, 1,160 serving in the Quick Reaction Force and another 2,640 logistics personnel. Another 4,400 marines and sailors are serving as a Marine expeditionary unit offshore in the theater of operations.

Apparently, the United States is playing a more and more significant combat role in a U.N. operation of unknown duration in support of a mission which the U.S. Congress has not endorsed. To my knowledge, it has not. To date, the taxpayers of the United States have spent or committed close to $1.5 billion for the Somalia operation, and it is going to cost more.

The time has come to remove United States Forces from Somalia whether or not they are part of the U.N. operation. I know some people may not like what I am saying, but I do not see anywhere in our U.S. Constitution that this Senate is bound to go along with a U.N. operation that appears to be getting us deeper and deeper into a war in which we have no business. Getting food to starving people is one thing. But this is something else.

We were appalled as we sat evening after evening and watched the evening news and saw the starving people of Somalia, and our hearts went out. Nobody objected to trying to get food to those starving people. We no longer see on the evening news children starving to death.

Why are we staying there? When is the U.S. Congress going to demand that the Senate and the House be asked for support in what appears to be more and more an open-ended operation? Is there any indication as to when our people are coming out? The humanitarian relief mission is over. The mission for us, it seems, is accomplished. It is time to go. We have to say, "enough is enough."

The United States has been in Somalia for over 6 months. The duration of our stay was expected to be a short time at the beginning. Now, 7 months down the pike, we are introducing new combat forces and conducting gunship attacks on warlords' camps. We are going to lose some men; we are going to lose some men.

And the United Nations is talking about national reconciliation. What does that mean? Has the Senate bought into that?

Further U.S. action and participation in the newly expanded mission should either be specifically endorsed by the Congress, or we should pack up and go home. My vote is for the latter.

I yield the floor.

THIS VIOLENCE MUST END

Mrs. BOXER. Madam President, it is with tremendous grief and anger that I rise today to speak out about the wave of gun violence that has crashed over this Nation and over my home State of California.

Just 1 week ago today, a massacre erupted at a San Francisco law firm. Shots rang out. People ran for their lives. Eight people lost their lives. And when all the smoke had cleared, my son had lost one of his close friends. John Scully's young life had been cut short, his wife of 10 months severely wounded. John Scully had thrown himself in front of her and took the bullet she would have taken.

On that tragic day, something came between John Scully and his ability to fulfill the promises of a young man bursting with love and with life. Something came between him and his ability to be a husband to the woman he had just married in September, to the woman, Michelle, for whom he gave his life. And, something came between him and his ability to continue to be a son and a brother—and someday possibly even a father and a grandfather.

And what ended John Scully's very young 28-year-old life? It was not a disease. It was not an accident. It was a semiautomatic assault weapon set loose in the hands of a deranged gunman.

Gun violence touches too many of our lives, Madam President. I know that you know that. Its victims are our sons and our daughters, our neighbors and our friends. The sadness runs deep. It is sapping our strength to rebound.

Madam President, this was not California's first gun massacre. How many of us can forget the gunman who opened fire on a Stockton schoolyard in 1989? Five children were killed. Thirty were wounded. And the weapon: It was a semiautomatic assault weapon called an AK–47. The gunman? He had a history of criminal arrests and convictions.

We need to ask ourselves: How can we allow deranged criminals to purchase military-style assault weapons? In 1990, almost 3,000 children and teenagers were murdered with guns. We are losing our children. We are not protecting the innocent and the most vulnerable parts of our population. Between 1984 and 1990, firearm murders of children under 19 increased by 125 percent. We must ask ourselves this question: How many more children must die, how many more lives destroyed before we act here in the U.S. Senate?

Madam President, workplace violence is growing. It represents almost 20 percent of all workplace deaths in California; and nationwide it is about 12 percent of all workplace deaths.

Time and time again, we hear the gun lobby defending its assault weapons, defending the Uzis. These guns do not kill, they say. Only people kill. Well, all the well-paid lobbyists in the world, and all the influence-peddlers in the world will not change the fact that guns help people kill people. They make it easy to kill people.

These weapons allow the criminals to kill from a distance; allow them to kill large numbers of people; and allow them to kill sometimes without knowing or even seeing their victims. It is quick, it is easy, it is impersonal. It is all the things that death—in a civilized society—should never ever be.

The NRA tries to tell us that gun control does not work, but we need to look at the statistics that the NRA does not want us to see. Let us look at the number of people killed by handguns in nations that have gun control laws. In 1990, there were 22 people killed by handguns in Great Britain; 13 in Sweden; 91 in Switzerland; 87 in Japan; 10 in Australia; 68 in Canada. And in that very same year, 1990, handguns killed 10,567 Americans.

The gun lobby bullies, it distorts, and it mocks. You have seen those latest TV ads. They mock elected officials who have the courage to stand up to them. The gun lobby refuses to accept the fact that most people favor commonsense approaches to decreasing the gun carnage in America. The gun lobby

is dangerously out of touch, out of touch with all Americans, and even with the very people they claim to represent—the gunowners. Recent surveys have shown that 60 percent of gunowners favor a ban on assault weapons.

Today I ask the gunowners to help us, help us stop this carnage. What are we waiting for? Without bans on assault weapons how many more religious zealots like David Koresh are going to be allowed to create their own military stockpiles? Without background checks and waiting periods, how many more criminals are going to leave our gunshops armed to the teeth? Without commonsense laws targeting copycat versions of already banned assault weapons, how many more gun manufacturers are going to be able to produce the weapon of their choice through this deadly loophole.

We need to pass commonsense gun control laws to curb the sale of assault weapons and take weapons out of the hands of criminals.

I want to thank my good friend the distinguished Senator from Ohio [Mr. METZENBAUM] for his leadership on this issue. I am proud to be an original cosponsor of his bill, the Semiautomatic Assault Weapons Violence Protection Act of 1993. I want to make a point here to you, Madam President, and to others who may be listening: every single Democratic woman in the U.S. Senate is a cosponsor of that bill. We understand that we must be courageous, we understand that we must save the children. We have common sense, and I think we are right.

This bill will give the Bureau of Alcohol, Tobacco, and Firearms the tools that it needs to ban certain classes of semiautomatic assault weapons.

I also want to commend Senator JOSEPH BIDEN, the chairman of the Judiciary Committee for shepherding the Brady bill through the Senate.

Now, we need to be clear about the Metzenbaum bill. Assault weapons that serve legitimate sporting purposes would still be legal. Assault weapons used for military and law enforcement purposes would still be legal. But it would ban guns like the one used in San Francisco, guns designed to do one thing—kill a lot of people in a short period of time.

Even though an exact replica of it is already banned under California law, the gun used in San Francisco is still perfectly legal.

That is why the Metzenbaum bill is so important. It gives the Bureau of Alcohol, Tobacco, and Firearms the power to ban copycat weapons and close this deadly loophole once and for all.

Madam President, in the memory of John Scully, and the other innocents who have fallen victim to this slaughter, I ask my colleagues to act quickly to pass real gun control legislation.

The pain inflicted on the family and friends of the victims must be acknowledged not only by comforting words, but also by critical deeds. Let us act with courage and conviction to get these weapons off our streets and out of our communities.

I do not want to see any of my colleagues have to go to funerals in their States to share the tears of family and friends for these outrageous deaths.

We must not rest until we create an America where children do not go to school armed; an America where gunfire does not spray across our communities; and an America where we are appropriately horrified by this violence and committed to eradicating it. We must not rest until we pass the Brady bill, pass the Assault Weapon Act, and stop the violence once and for all.

To John Scully and the others who died at 101 California Street in San Francisco—we must do this in your name.

Thank you, Madam President

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

THE GATT AND THE GROUP OF SEVEN MEETING

Mr. BAUCUS. Madam. President, I rise to discuss last week's Group of Seven summit meeting, and the agreements on GATT market access issues and the United States-Japan negotiating framework we reached there.

PRESENT STATE OF THE GATT

First, the GATT. It is fitting that last week's tariff-cutting agreement was announced in Tokyo, because it was there in 1979 that the Tokyo round was completed.

The Tokyo round brought down GATT member tariffs by an average of 34 percent. It did a lot for world growth in the past decade. But to remain relevant in this decade and the next century, the GATT must cover to other issues.

The cornerstone of the GATT is still tariff status—specifically, the principle of most-favored-nation status, which says countries must not offer one GATT member better tariff treatment than others. Today, that is no longer enough. Tariffs were the whole picture when the GATT was created in 1947. But they are only a few brush-strokes in 1993.

Today's trade issues include the fact that United States banks cannot open their doors in Mexico; the French bureaucrats who require 40 percent of all TV programming be French-made; and the Japanese Government's refusal to buy United States-made supercomputers. We did not even have calculators in 1947, much less supercomputers.

NEED FOR GATT TO COVER NEW ISSUES

Today, the GATT covers only trade in goods. Within that category, it largely excludes agriculture and textiles. Overall, therefore, it covers only about two-thirds of all trade. If we include investment and currency exchange, then present GATT rules cover only about 7 percent of world commerce.

Thus, our initial goals in the Uruguay round went beyond reducing tariffs. We hoped to extend GATT coverage to services and agricultural trade, eliminate agricultural export subsidies, and guarantee protection for copyrights, patents, and trademarks.

These were ambitious aims. And many were pessimistic about the chances for progress toward them in Tokyo. I can only imagine what Leon Panetta must have thought. But last week's summit surprised them all and pushed the Uruguay round forward.

PROGRESS AT TOKYO G–7

That is an unusual result for the G–7. Recent G–7 meetings talked about moving the GATT negotiations forward. This one did move them forward, and President Clinton should be commended for that. It is clear that he knows GATT stands for the General Agreement on Tariffs and Trade—not the "General Agreement on Talk and Talk," or, as I believe the French translation has it, "General Agreement for Tantrums and Tirades."

Last week's agreement gives the GATT momentum that is crucial if it is to succeed by December 15.

We won commitments from our trading partners to cut tariffs to zero in construction equipment, farm equipment, steel, and furniture. It is good news. But by itself, it is not enough.

We had hoped to cut our tariffs to zero in exchange for identical pledges from our trading partners—zero-for-zero deals—in 18 separate areas. We ended up with eight of eighteen. That is a good start, but we need to keep going until we reach the finish line.

We need assurances that tariffs will be cut to zero on semiconductor chips, computer parts, wood products, nonferrous metals, and other areas.

Once this is accomplished, we must then get onto the other 103 GATT members to agree—because, after all, the Tokyo agreement was only an agreement among 7 of 108 or 111 countries in the world—and then move on to agriculture, services and intellectual property to finish the job by December 15.

That will be tough. But President Clinton showed in Tokyo that he understands how important a good deal can be for America, as well as how damaging a bad deal could be.

WHAT IS A GOOD AGREEMENT?

What would a good agreement achieve? It would substantially cut tariffs on manufactured goods and remove barriers that keep U.S. service providers like securities firms, insurance companies, and architects out of foreign markets.

A good agreement would protect U.S. intellectual property works like pharmaceuticals, videos, sound recordings, and computer software from piracy.

A good agreement would remove trade distorting farm subsidies that cost us market share in Russia, the Middle East, and Latin America.

It would remove quotas, and outright import bans that keep our competitive grains, rice, apples and wood products out of countries like Japan and South Korea. The United States must not cut our farm tariffs or export subsidies unless our trading partners do the same.

JAPAN NEGOTIATING FRAMEWORK

There is, of course, something a good GATT agreement would not do. It would not weaken our trade remedy laws.

Section 301, the GSP Program, Special 301, our antidumping and countervailing duty laws must stay intact and at full strength. And this year, we must make those laws stronger by adopting Super 301 as well, because even the best Uruguay round agreement imaginable will not solve all our trade problems. We must extend Super 301 this year.

The President took so much care on the negotiating framework with Japan, because the GATT will have little effect on our most serious trade problems with that country. They are not issues of high tariffs or formal quotas.

Rather, they are questions of industrial collusion and failure to enforce antitrust laws; unspoken and unwritten rules; discriminatory distribution networks; and government procurement decisions systematically biased against foreign products.

The United States is not alone in suffering from these problems. The European Community, the newly industrialized countries of East Asia, the ASEAN states and China all run large and persistent deficits with Japan.

Thus, if the negotiating framework we established in Tokyo succeeds, it will have benefits for the whole world trading community as well as for American businesses and Japanese consumers.

This framework sets two major goals. First, it aims for a significant, measurable reduction in Japan's current account surplus. And second, it aims for similar measurable progress in such areas as Government procurement of competitive foreign products, regulations that block foreign service providers, and implementation of existing arrangements.

This, in my opinion, may be the last chance for progress through bilateral negotiations. Japan has already begun to argue that the agreement does not call for measurable progress. The Japanese press does so far as to compare the agreement to a tamamushi—a kind of beetle that changes color depending on how you look at it.

That is a bad sign. It is bad for Japan as well as for the United States, because if this negotiating framework brings no progress, the result will be to discredit all bilateral negotiations with Japan. That would make President Clinton's vision of a Pacific Community much harder to realize, and would mean a very difficult era in United States-Japanese relations.

Nonetheless, that is still in the future. President Clinton comes home from Asia with two very important achievements. I congratulate him, and I look forward to further progress in the months to come.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent I be allowed to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. We are in morning business.

Without objection, it is so ordered.

PRESIDENT CLINTON'S PACIFIC NORTHWEST FOREST PLAN

Mrs. MURRAY. Madam President, those of us who were born in the shadow of the Cascade and Olympic Mountains grew up amidst some of our Nation's most incredible natural resources. We grew up in awe of their splendor, but also amidst increasingly divisive arguments over how to manage them.

Throughout the 1980's, families in our timber towns were told they could harvest growing amounts of timber. The harvests jumped from an average of 2.9 billion board feet during the previous decade to 5 billion board feet in the 1980's. Official Government projections indicated these levels could be maintained. Businesses went into debt to expand. No one would publicly acknowledge that it could not last forever.

Then in 1989, reality hit. It turned out that Federal land management agencies were acting outside the laws. The court stepped in and declared that Federal timber could not be cut unless the agencies began complying with the laws. Harvesting of Federal timber took a dramatic turn. Mills began to close, loggers lost their jobs. The heyday was over, but no one had bothered to let our communities know.

For the last 5 years, my friends and neighbors have watched battle lines form over the fate of the Pacific Northwest forests and the families who depend on them. For 5 years, Congress has argued over board feet. Tempers have flared over how much timber could be harvested or protected. To date, people have rightly feared that intransigence on all sides would lead to the worst: Continued loss of jobs; continued loss of beautiful old growth forests; and continued court-imposed gridlock. Everyone faced uncertainty.

The reality in timber towns today is one where hundreds of families are struggling to find family wage jobs to put food on the table. Mills have streamlined operations, downsized, or closed. Community colleges are jammed with workers trying to learn new skills for jobs that might not be there. Families wait in line at food banks.

These families are justifiably bitter. No one prepared them for what they now face. Politicians rushed to town to say, "Elect me and I will return life to what it use to be." But as we now know, no one can turn back the clock.

President Clinton has done something no one has seen in the executive branch during the course of this long fight. He has brought leadership to the issue that may finally bring this battle to a close. He has proposed to end the uncertainty and move on. Although many people are unhappy with the President Northwest forest plan, it is clear that a solution is finally at hand. It is a solution that calls on all sides to give something today in return for certainty about tomorrow. This plan insures that there will be a future for the timber industry in our State, and that there will be ancient forests for our grandchildren to see.

I refuse to send empty promises to the families in my State. Clearly, there will be more jobs lost in my State as we move to harvest levels that are legally justifiable and scientifically valid. The job-loss figures used in the press vary widely. But I think we owe our people some truth for a change.

Washington State's chief economist, who follows the industry closely, estimates that of the 53,000 people presently employed in the wood products industry in the State, 3,300 to 3,500 may lose their jobs under the President's plan.

I have no figures on how many would lose their jobs if current court battles continue to prevent any Federal harvest. I do know that if we move ahead with the President's plan, it is possible that some 1.8 billion board feet on the westside alone could be ready for harvest by the end of this year. This is from timber sales that have been sold but not harvested, or sales that have been prepared but not sold. I take the opportunity now to urge the Clinton administration to do everything it can to get this supply moving as soon as possible. Added to an eastside harvest of approximately 400 million, this amount is substantially larger than the harvest levels commonly mentioned.

Now that the President has made his plan public, it is time for Congress to step up to the mark. We now bear the responsibility to pass the economic component of the President's forest package. The people in our timber towns have been bystanders for years, dependent on decision made in the other Washington about how much Federal timber will be harvested. Yet,

no one wants to ask for help in our timber towns. They are proud and independent people. They work hard for a living. They want no handouts. What they want is a chance at the future. The chance to learn new skills, the chance to have their homes be valuable once again. The chance to feed their families and give them hope once again.

As a member of the Appropriations Committee that will review this package, I pledge to the people of my State that enactment of this package is my top priority. And I hope all Members from the Pacific Northwest will set an example by making this important package their highest priority as well.

The key to the President's Northwest economic adjustment initiative is job creation. His proposed Federal assistance package contains $287 million for fiscal year 1994, and a total of $1.3 billion over 5 years. All of these resources have been identified within existing spending caps. A combination of landscape investments and grants, loans and loan guarantees from programs such as the Job Training Partnership Act, Small Business Administration, Rural Development Administration, and other programs will create a total of 12,000–14,000 new job opportunities next year, and as many as 33,000 new jobs over the course of the 5-year plan.

The core of this program is devoted to workers, their families, and the communities they live in. The fundamental principle of this plan is stewardship. By taking care of our natural resources, we will be taking care of the towns and people who depend on them. Under this plan, we will rebuild watersheds. We will control soil erosion. We will restore and enhance our forests to ensure biodiversity, high water quality, and a healthy environment over the long term. We will provide seed money and other incentives for small business that can extract greater value from the timber we do harvest. We will provide incentives for non-Federal land managers to implement habitat conservation plans. And we will empower local communities and grassroots groups to manage tracts of Federal land on a new, innovative basis.

All of these things are geared toward creating a new forest resources economy in the West. If implemented, they will remove the uncertainty of the past and give people a strong sense that the future holds new opportunities. This is a new direction not only for the Pacific Northwest, but for the country as a whole. If we implement this program successfully, we can simultaneously create long-term stability within the national forest products economy and set a new model for conflict resolution for natural resource disputes.

Throughout our Nation we see towns and cities and neighborhoods struggling to move into the economy of the 21st century. Nowhere is that struggle more clear than in the timber towns of the Pacific Northwest. Jobs have been lost in the struggle to design the forests for the future. But by passing the President's economic package, we can show the Nation how investing in people can bring communities back and restore hope for the future.

I believe we can have a balanced solution to the timber crisis in the Pacific Northwest in which we have a strong timber industry and healthy forests for the long term. I urge my colleagues to join together with me to pass the President's Northwest economic adjustment initiative. If we pass this initiative this year, I know that 5 years from now, the workers and families in our timber towns will remain proud, productive citizens of our country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER ASSISTANCE GREATLY NEEDED

Mr. PRESSLER. Madam President, I wish to report to the Senate on the disaster that is devastating my home State of South Dakota. During the last recess I conducted my second tour to parts of South Dakota that are experiencing the most disastrous planting season ever. Not only are persistent rains affecting agriculture and businesses in South Dakota, but the States of Wisconsin, Minnesota, Iowa, Missouri, and Illinois also are being deluged by excessive rainfall. Damage in South Dakota alone could reach more than $1 billion. Federal assistance is needed now.

Madam President, it is alarming that little has been reported in the national media on the damage in South Dakota. Flooding has claimed the lives of three South Dakotans. Estimated public property damage is $10 million. Over 2 million acres of farmland have been flooded, causing an estimated crop less of more than $500 million. Approximately 1,000 homes have been damaged and some completely destroyed. Seventeen South Dakota counties have been declared State disaster areas and 33 counties are listed as State agricultural emergency areas.

Dr. Ralph Brown, professor of economics at the University of South Dakota, recently described the current situation in South Dakota:

> While the state experienced disasters with droughts in 1976, 1988 and 1989, flooding has greater negative economic effects. Flooding preempts some of the usual farm expenditures, like seed, gas, oil where as in a drought those supplies are sold. In terms of total personal income, farm income is 10 to 15 percent of South Dakota's economy. That may not seem like much, but it is the largest of any state in the union. When you look at farm spending for goods it is 40 percent of South Dakota's personal income, where nationally, agriculture spending is only one to two percent.

South Dakota is the most rural State in the Nation. When disaster strikes South Dakota agriculture, it sends a shockwave that affects all industries in South Dakota. Matters are made even worse when disaster strikes more than one growing season. Farm equipment dealers suffer. Seed dealers suffer. All local businesses suffer.

Madam President, this year's disastrous planting season follows last year's extremely wet harvest, when farmers experienced lower yields and poor quality crops. Tremendous amounts of income were lost last year. In fact, many farmers were unable to harvest and much of last year's crops still sits in flooded fields.

Many South Dakota farmers today have never experienced a planting season this disastrous. Time is running out for many of these farmers. Action is urgently needed to permit farmers in these counties to plant a crop and earn an income this year. These farmers are suffering. Legislation is needed to ease their suffering.

What is at stake for these farmers? The word that best answers that question is survival.

What is the situation in South Dakota?

Thirty-three counties are affected. Governor Miller has declared all of these counties as agricultural disaster areas.

In some South Dakota counties, as many as 25 to 35 percent of farmers will not be able to plant this year's corn crop; 12,580 farmers have not been able to plant this year's crops or have flooded acres; 2,351,900 acres are affected—1,116,200 corn acres and 1,235,700 soybean acres. Economic losses could exceed $1 billion.

What can be done? The following actions are needed to help farmers recover the tremendous loss of income due to prevented planting or failed crops.

The Department of Agriculture should forgo all planting deadlines for this year.

The Department of Agriculture should allow farmers to plant any crop they can or let the land lay fallow to recover. This should be done without any loss of Farm Program benefits.

Farmers should be able to receive Federal crop insurance benefits even though they were unable to plant their crops.

Finally, Congress should act quickly to provide comprehensive Federal disaster assistance.

What has been done? I have written Secretary Espy since April to keep him

informed of the situation in South Dakota. I ask unanimous consent that this correspondence be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, on May 28, 1993, I asked USDA Secretary Espy to extend the final date for certifying planted acres. I am pleased that he responded by extending the final date from July 1 to July 31. Without this extension, if a farmer could not have certified his planted acreage by July 1, he would have been forced to return advanced deficiency payments. Most of these payments were spent in preparation for planting this year's corn crop. Forcing the repayment of these benefits could place in economic jeopardy farmers who couldn't plant this year's crop. The extension will protect those farmers who are able to plant this year's corn crop.

I also asked Secretary Espy to extend the final date to enter into crop insurance. Unless action is taken now, many farmers stand to lose protection under the Federal crop insurance program and income from planned plantings. The Department of Agriculture still has this under consideration.

I have introduced two bills that would permit farmers to plant other crops on their program crop acreage without the loss of benefits. Though it is too late for most crops to be planted, I hope these legislative changes can be made.

Further, I have written the President to ask him to tour South Dakota to see the devastation firsthand. I hope the President will do this. I also have asked President Clinton to encourage bipartisan congressional action that in providing essential Federal disaster assistance to the Midwestern States devastated by the continuous rainfall and flooding. The President and Congress must work together.

Mr. President, the devastation in eastern parts of South Dakota extends beyond an agricultural disaster. It affects all aspects of South Dakota's economic base, including small businesses, tourism, transportation and other infrastructure factors. In short, the livelihood of hundreds of farming and business communities in South Dakota is in jeopardy.

An economist for the Federal Reserve bank in Minneapolis recently reported that the farm driven economy of South Dakota likely will suffer the most from flooding in the Upper Midwest. It probably will take more than a year for farm income and spending to recover. The bank estimates that in southeast South Dakota, southwest Minnesota, and northwest Iowa, farmers stand to lose $1 billion in crops they could not plant due to wet conditions and another $1 billion in damage to crops that were planted. I ask unanimous consent that articles from several South Dakota newspapers regarding the economic impact of this crisis be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PRESSLER. Mr. President, many Midwestern States are in dire straits. Congress and the administration must act immediately. Federal disaster assistance is needed desperately to alleviate suffering and ensure the survival of farmers and small businesses in South Dakota and other Midwestern States. I urge my colleagues to join in developing a bipartisan disaster relief initiative.

In conclusion, Mr. President, let me say that it has been estimated that South Dakota will suffer, on a percentage basis, more than any other State. I have been disturbed that the national media has paid more attention to some of the more populous areas that will have suffered less. I have also been concerned that the President, in his earlier visit to Davenport, IA, has given the indication that some discretionary funds will be released to those more populous areas before South Dakota.

I have also been concerned that we have been told that all of the disaster assistance relief for South Dakota must come from newly appropriated funds. That is my understanding. I want fair treatment for my State. We do not get as much media attention because we are not at the center of a city or a national media center. But we have problems just as great.

In fact, according to an economist for the Federal Reserve bank in Minneapolis, the State of South Dakota will suffer more than any other State. I want that known, and I want our State to be included. I have invited the President to visit South Dakota. He is on his way back from Hawaii. I hope he will perhaps stop. Our people need assistance. They feel they are being neglected to some extent. We must fight very hard.

Mr. President, I look forward to working on a bipartisan basis with my colleagues on the other side of the aisle on this problem. When there is a hurricane in Florida, or an earthquake in California, there is a great deal of national attention, as there should be. However, we do not get as much attention for a tornado in South Dakota or a flood in South Dakota, but the individuals affected are taxpayers and citizens and are affected just the same. Therefore, the time has come that we need some help, and I will be working with my colleagues.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Minneapolis, MN, July 2, 1993.

Hon. MIKE ESPY,
Secretary, Department of Agriculture, Washington DC.

DEAR MR. SECRETARY: We are writing to request you to immediately announce an Economic Emergency for the affected disaster areas in the states of Minnesota, Iowa, South Dakota, Wisconsin, Missouri, and Nebraska. As you witnessed during your trip to these flood-stricken states on June 30, the devastation and economic loss is significant.

There are further actions which you can take administratively to help our beleaguered farmers. Specifically, we request:

1. Repayment of unearned advance deficiency payments be waived. During these times, it is impossible for producers to repay advance deficiency payments. The 36 cents per bushel that most corn producers received in April has been spent paying last year's bills or helping to pay for this year's inputs.

2. Extend the Federal Crop Insurance Corporation's final planting date for corn and soybeans and permit farmers to purchase prevented planting coverage retroactively.

3. Permit local Agricultural Stabilization and Conservation Service offices maximum flexibility in administering federal programs—particularly the acreage set-aside programs.

4. Initiate the Emergency Feed Program for livestock producers.

5. Extend the payment schedule for Farmers Home Administration loans to seven years.

6. Drop the 1993 crop year when determining future crop insurance yield averages and other base production averages.

Thank you for your immediate consideration of our concerns. We look forward to working with you to provide relief to our farmers.

Sincerely,

DAVE DURENBERGER.
PAT DANNER.
CHUCK GRASSLEY.
KIT BOND.
JIM RAMSTAD.
BILL BARRETT.
LARRY PRESSLER.

U.S. SENATE,
Washington, DC, July 1, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Over the past several months, a number of Midwestern states have endured damaging rainfall and flooding conditions. In fact, some South Dakota farmers have not been able to harvest 1992 crops due to continual precipitation. U.S. Secretary of Agriculture Mike Espy recently toured parts of South Dakota, Minnesota and Iowa to view first hand the devastation facing hundreds of Midwestern farmers.

Mr. President, the livelihood of hundreds of farming and business communities along the Missouri and Mississippi Rivers is in jeopardy. Federal disaster assistance is needed desperately to alleviate suffering and ensure the survival of South Dakota farmers and small businesses.

I understand you have requested Secretary Espy to draft legislation to address the current agricultural crisis. I strongly urge you to have Secretary Espy meet with both Republican and Democratic leaders of Congress

to formulate a bipartisan strategy to expedite passage of this disaster relief legislation. In the meantime, I believe a Presidential disaster declaration clearly is warranted. I urge you to make a disaster declaration for South Dakota, as well as other Midwestern states suffering from excessive rainfall and life-threatening flooding.

I plan to visit several South Dakota communities soon to survey the destruction and learn more about economic losses from farmers and small business owners. Further, I will be inspecting damage to the state's infrastructure. Should your schedule permit, I invite you to join me in touring rural South Dakota to assess damages and determine how the federal government can best provide assistance.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 22, 1993.

Hon. MIKE ESPY,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: We are writing to share with you our concerns surrounding the current weather and planting conditions in our states of Iowa, Minnesota and South Dakota. Many of us have written or called you previously, but this letter should serve to bring home the fact that the situation is not improving, and the outlook is becoming bleaker for many of our producers to get any kind of crop on many of their acres.

The crop report released on June 21, indicated that 17% of the nation's soybean crop remains unplanted. However, in southwest Minnesota, only 60% of the bean crop has been planted and in South Dakota, the figure is only 65% complete. Weather forecasts are not optimistic, and it's well-accepted that soybeans planted after the first of July can lose up to 40% of their yield potential. The condition of the crops that have been planted is not good either. Monday's report showed that of the corn and beans that have been planted in our states, over half of each crop is in the fair or worse category.

We would like to thank the ASCS for agreeing to meet with our offices. The items that were discussed with our staffs and Randy Weber of the ASCS that we would like to raise with you include:

(1) Repayment of unearned advance deficiency payments—You know as well as we do how difficult it is to ask producers to come up with cash to repay advance deficiency payments. The 36 cents per bushel that most corn producers received in April has been spent paying last year's bills or helping to pay for this year's inputs. At the least, we would like to ask that the Department do what it can to offset these payments from future payments due a producer rather than forcing them to come up with cash immediately.

(2) Expand the list of crops producers can plant under 0–92 provisions—The current list of crops that a producer can plant on acreage enrolled in the 0–92 program is limited to minor oilseeds such as sunflower, safflower, canola, rapeseed, mustard and flaxseed. The only other crops eligible at this point are sesame and crambe. We would like to ask that ASCS utilize the emergency rule under the Administrative Procedures Act to publish interim final regulations that would allow producers more options such as millet or buckwheat and industrial use crops not currently eligible. This action would have to do be done as soon as is possible to be of benefit to producers.

(3) Waive the minimum size and width requirements for ACR and CU acres—It is our understanding that current regulations require that acres enrolled in set-aside or conserving use such as 0–92 must be at least 5 acres in size and average at least one chain or 66 feet in width. The only exceptions allowed are for permanent fields, and every farm can claim one area that does not meet the requirements. This year producers are going to have a quilt-like pattern in their fields, with the higher ground planted, but many low spots unable to be touched. If this requirement could be waived for this year for producers who opt into 0–92 because of prevented planting, it would allow producers the flexibility to deal with the inability to plant in wet areas.

(4) Economic emergency disaster payments as found in the 1990 farm bill—While we realize it may be a little early to tell just how bad the situation will eventually turn out to be, the weather reports are not improving. The ground is so saturated now that it would take a number of days of sunshine and wind to dry out the ground enough for producers to complete any more planting. Because of this bleak outlook, we would ask that you begin to contemplate the need for disaster payments under the economic emergency provisions found in the 1990 farm bill that would come from CCC funds. The severity and range of this problem could spell disaster for a number of producers and the credit institutions that serve them. The same is true of the main street businesses that also rely on the agricultural economy in our states.

Thank you for your consideration of our concerns. We look forward to working with you to provide some relief to our producers as quickly as possible to enable them to make use of every opportunity to get a crop in the ground. Please let us know if we can be of any assistance or should you have questions.

Sincerely,

Tim Johnson, Fred Grandy, Larry Pressler, Dave Durenberger, Jim Nussle, Jim Leach, Jim Lightfoot, David Minge, Tom Daschle, Tim Penny, Tom Harkin, Charles Grassley, Paul Wellstone.

U.S. SENATE,
Washington, DC, June 4, 1993.

Hon. MIKE ESPY,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: I have just returned from South Dakota and need to bring to your attention the current crop disaster conditions in southeastern South Dakota. I have never seen fields in that region so wet so late in the year. Current conditions are the worst in recent memory. Many farmers are facing tremendous loss of income simply due to the fact they are not able to plant their crops. I ask that you be as flexible as possible in administering programs for the 1993 crop to account for prevented or delayed plantings.

Lincoln County already has been declared a disaster by South Dakota's Governor and many more such designations are likely. There are some counties where only ten percent of the corn crop has been planted. As you know, by this time of the year practically all corn should have been planted in South Dakota. I urge your immediate attention to these requests as you receive them.

The current final planting deadlines have caused great concern in South Dakota. At stake are deficiency payments, federal crop insurance, disaster benefits, and crop bases. I request that you extend for three weeks the final date to certify planted acres and the final planting dates for coverage under the federal crop insurance program. This action would not impact producers who have been able to plant their 1993 crops, but would provide much needed relief for producers who have not been able to plant their 1993 crops through no fault of their own.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 28, 1993.

Hon. MIKE ESPY,
Secretary, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: I urge your immediate approval of disaster assistance for all potato producers in South Dakota who experienced economic losses resulting from natural disasters.

I commend you for your recent announcement of disaster payments for round white potato producers based on low quality of the 1992 crop. While your announcement is of assistance to white potato producers, potato farms in South Dakota produce both round red and round white potatoes. The quality losses in South Dakota have impacted both crops enough to make marketing and grading difficult, if not impossible. South Dakota red potato producers deserve assistance as well.

I have heard from numerous producers in South Dakota who believe they are being discriminated against, Those producers do not understand how disaster assistance would be made available for round white potato losses but not for round red potatoes, when both crops experienced substantial loss of quality due to adverse weather conditions. They believe assistance should be available for both types of potatoes. I share their concern and agree with them.

Many producers in South Dakota have experienced lost and lower-quality harvests due to natural disasters in 1991 and 1992. Some producers may not be able to continue farming without assistance. It is critical that the U.S. Department of Agriculture do all it can to assist those producers.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 15, 1993.

Hon. MIKE ESPY,
Secretary of Agriculture,
Washington, DC.

DEAR MR. SECRETARY: I urge your immediate approval of disaster assistance for all producers who experienced economic losses due to the low quality of their 1991 and 1992 harvests resulting from natural disasters.

I commend you for your recent announcement of disaster payments for corn producers based on low quality of the 1992 crop. While your announcement is of assistance to corn producers, many producers of other crops, such as milo, have experienced the same hardships and depressed conditions. They deserve assistance as well.

While existing law provides the discretion to offer disaster assistance due to low crop quality, the law was never intended to be crop specific. Once a determination is made to offer assistance to compensate eligible

producers for low quality, that assistance should be offered for all crops where producers experienced similar losses.

I have heard from numerous producers in South Dakota who believe they are being discriminated against. Those producers, who also experienced economic loss due to the poor quality of their 1991 and 1992 harvests, believe they should be entitled to the same assistance as corn producers. I agree with them.

Many producers in South Dakota have experienced lost and lower-quality harvests due to natural disasters in 1991 and 1992. Some producers may not be able to continue farming without assistance. It is critical that the U.S. Department of Agriculture do all it can to assist those producers.

I look forward to your response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

EXHIBIT 2

[From the Sioux Falls Angus Leader, July 9, 1993]

SIOUX FALLS TO SUFFER MOST IN UPPER MIDWEST, FEDERAL RESERVE SAYS

(By Todd Nelson)

The farm-driven economies of Sioux Falls and South Dakota likely will suffer the most from flooding in the Upper Midwest, an economist with the Federal Reserve Bank in Minneapolis said Thursday.

If conditions don't improve in the next few weeks, farm income and spending in South Dakota might not recover for a year or more, agricultural economist Ed Lotterman said.

"Sioux Falls is probably the major urban area that's going to be most affected because you do get a lot of customers from Luverne, Rock Valley, Worthington, Beresford areas that are affected by the flood," Lotterman said.

"It's not that retailing in Sioux Falls is just going to hit a brick wall, but I think that people out in the malls are going to notice it. It may be just a few percent, but it's not going to be a boom year."

This area is more vulnerable because it's more dependent on agriculture than other states in the Ninth Federal Reserve District, Lotterman said. The district includes South Dakota, Minnesota, Montana, North Dakota, northwest Wisconsin and the Upper Peninsula of Michigan.

In southwest Minnesota, northwest Iowa and southeast South Dakota, farmers stand to lose $1 billion in crops they could not plant because of wet conditions and another $1 billion in damage to crops already planted, Lotterman said.

"It doesn't have the physical damage that a Davenport, Iowa, has, but in terms of lost business, Sioux Falls is going to be one of the worst hit areas," he said.

Lotterman predicted that smalltown businesses such as auto or appliance dealers would be the first to feel the effects of the farm slowdown, although city retailers would not be far behind.

Some business owners and managers in southeast South Dakota have mixed expectations about the future.

"I can't afford to look at it that way," Canton auto dealer Denny Gaspar said of the negative forecast. "I have not even considered it yet. Business is still good. I'm trying to find the silver lining in the clouds."

For some farmers, that spark of hope might come in higher grain prices for crops they have stored, Gaspar said.

Van Johnson of the South Dakota Auto Dealers Association said dealers from Rapid City to Sioux Economy Falls have reported stronger sales the last six months after sharing in a national slump that started 12 to 18 months ago.

"People are coming back in to the market," Johnson said.

Less optimistic is Randy Bak, part owner of Pedersen Machine in Beresford.

"We're just once removed from the farmers' income so we're in the same boat," Bak said. "I would say we're probably looking at 30 percent of our trade territory that was not planted to soybeans and corn. We are definitely looking at a backlash that may last, who knows, a couple of years."

Bak said he has been holding off on ordering combine parts and has reduced his inventory by 20 percent in anticipation of slower sales.

At The Empire mall, business has been good, marketing director Nancy Litwin said. Today, the mall will put out boxes to collect donations for the Red Cross to help flood victims in eastern South Dakota.

"Obviously, our thoughts are with these people," Litwin said. "We realize that farming is a big part of the economy. I guess I hate to predict the future until it's here to see exactly what comes about."

Bak said the future became clearer this week for many farmers when the rains continued.

"The jury was out up until this week," he said. "A lot of these acres could have been planted up until about now. The rain just never quit."

[From the Sioux Falls Argus Leader, July 8, 1993]

FARM LOSSES SHOULD BE IMMENSE, OFFICIALS SAY

(By David Kranz and Steve Young)

Flooded farmland could cost South Dakota farmers $450 million and take as much as $1 billion out of the state's economy, officials said Wednesday.

Ralph Brown, professor of economics at the University of South Dakota, said farmers' losses would be doubled or worse if the disaster extended past one growing season.

"What is important to the economy as a whole is the expenses they would have incurred in putting those crops in, with energy, gas, oil," Brown said of farmers prevented from planting by the flooding. "Then, consider that if this ends up being a poor year, you end up seeing that expenses for things like durable equipment purchases, like tractors, will be down."

Those figures do not include the economic losses that the state's municipalities will suffer.

Mike O'Connor, director of the state Agriculture Stabilization and Conservation Service in Huron, projected the farm production losses based on the number of acres of corn and soybeans that will not be planted or are in trouble because of weather conditions, their potential yield and the prices the crops would have brought.

O'Connor said the chances are slim that South Dakota farmers will be able to recover any more than half of their losses from government disaster declarations.

The ASCS projection is based on reports from 33 counties that are dealing with flooding problems. O'Connor said about 12,580 producers are affected, with a third of the state's 3 million acres of corn and half of the 2 million acres of soybeans at risk or unable to be planted.

O'Connor said his projections were estimates now, because the deadline for final certification is July 31.

Only corn and soybeans were used in the calculations because many farmers, waiting to get dry weather, avoided planting small grain crops such as wheat and oats and put most of their land into corn and soybeans, O'Connor said.

Agriculture contributes $13.2 billion to South Dakota's economy, the State Agriculture Department said.

Brown said he was basing his projections on the effects past disasters have had on the state's farm economy.

"From a farmer's standpoint, it is loss in net income. From the Flood economic standpoint, it is the loss of expenditures not made by farmers. Farmers may not make money, but they spend a lot."

While the state experienced disasters with droughts in 1976, 1988 and 1989, flooding has greater negative economic effects Brown said.

"Flooding preempts some of the usual farm expenditures, like seed, gas, oil, where as in a drought those supplies are sold."

In terms of total personal income, farm income is 10 to 15 percent of South Dakota's economy.

"That may not seem like much, but it is the largest of any state in the union. When you look at farm spending for goods, it is 40 percent of our total personal income, where nationally, agriculture spending is only one to two percent," Brown said. "So that brings home the impact of the farm economy on the state."

One of the factors not considered in the basic rural income equation is the damage to roads and bridges in the rural areas, Shirlee Leighton, chairman of the Lake County Commission, said.

"In Lake County alone, the loss is $25 million in agriculture-related business," Leighton said. "Commissioners are now in the process of documenting the road repairs. Right-now, I think 85 to 90 percent of the roads are impassable."

Meanwhile, eastern South Dakota was still on alert for flood warnings and forecasts for rain that could make conditions worse.

Meteorologist Chris Jansen said the Big Sioux River won't be changing much in the next few days unless the prediction of scattered thunderstorms through the weekend brings substantial rainfall to the north of Sioux Falls.

The Big Sioux's flood levels Wednesday were about the same as the day before:

At Highway 38A, it was 15½ feet; the flood stage there is 12 feet.

At North Cliff Avenue, it was 23½ feet; flood stage there is 16 feet.

At Hawarden, Iowa, the river fluctuated between 21 and 23 feet; flood stage is about 15 feet.

Beyond submerged crops, water-filled basements and several dikes and levies that had eroded somewhat in Turner County, little other damage was reported Wednesday.

Byron Nogelmeier, civil defense director for Turner County, said waters from the Vermillion River had subsided quite a bit in Davis, and Highway 18 was open there now.

The Vermillion River was down quite a bit at Parker, too, though it is expected to crest at 17 feet today at Wakonda and at 24 feet near the city of Vermillion on Friday. Flood warnings remained in effect Wednesday for the Big Sioux, Vermillion and lower James Rivers.

Brad Stiefvater, McCook County Emergency Services director, said residents of Montrose were still drinking bottled water because of concerns about contamination of the city's water supply. He also said that 10

to 15 families were still unable to return to their homes.

State Game, Fish and Parks officials reopened Lake Vermillion to boaters Wednesday after it was shut down for five days because of flooding. However, Campbell, Madison, Herman and Brandt lakes and two state parks remained closed.

For now, community officials say they will be assessing the damage even further and watching the skies for the next downpour.

"I've been saying all spring that we can't take much more of these 3- and 4-inch rainfalls," Bob Borchers, Hawarden's superintendent of public works, said. "But we're holding on. The river's up and has stayed that way. The good thing is, it hasn't gotten as high as it was earlier."

[From the Sioux City Journal, July 10, 1993]

SOUTH DAKOTA OFFICIALS REPORT INCREASE IN FLOOD DAMAGE

PIERRE.—The preliminary estimate of flood damage to public property in eastern South Dakota has risen to $4.3 million, state officials reported Friday.

And Mike O'Connor, director of South Dakota's Agricultural Stabilization and Conservation Service, said officials now estimate crop losses in the state exceed $500 million.

O'Connor said the South Dakota Emergency and Disaster Board, which he heads, has asked for a federal agricultural disaster declaration for the 33 counties recommended by Gov. Walter D. Miller.

The state also is seeking a federal disaster declaration to provide help in repairing public property in 17 counties.

Officials of the state Division of Emergency Management reported that survey teams have had trouble identifying and assessing damage because so much of the area in eastern South Dakota is still under water.

The preliminary estimates of damages to public property don't include Lake County, which suffered extensive flood damage beginning last weekend.

The estimates include damages to roads, bridges, water control facilities and recreational areas. Also included are the costs of debris removal and emergency protective measures.

O'Connor said ASCS officials estimate that more than 1.1 million acres of corn and 1.2 million acres of soybeans have been flooded or never planted because of heavy rains. That equates to a loss of nearly $193 million for corn and $256 million for soybeans, he said.

Total crop losses will exceed $500 million when damage to wheat, sunflowers, oats, barley, hay and other crops is calculated, O'Connor said.

Meanwhile, state Adjutant General Harold Sykora said the state's flood command center in Sioux Falls will be open today and Sunday from 10 a.m. to 2 p.m. to provide technical assistance to South Dakota flood victims. The center operates between 8 a.m. and 5 p.m. on weekdays.

Sykora said the command center has been fielding 50 to 60 calls a day on its toll-free telephone line, which is (800) 407-5143.

Miller on Friday also announced that a state program will provide at least $3 million in no-interest loans to help low- and moderate-income flood victims repair their homes in eastern South Dakota.

The loan program is funded by the South Dakota Housing Development Authority and five commercial banks.

Qualified families can get loans at zero percent interest to repair their homes. The loan program carries no equity minimum, origination fee, points, or fees for survey, appraisal, title search or filing, Miller said.

"The interest rate on loans at zero percent will be a substantial help to qualified families whose homes need the kind of repairs I've seen in my travels across the state," Miller said in a written statement.

State officials and the banks involved in the loan program will provide more information on the program after final details are worked out, officials said.

To qualify for a home-repair loan, a family must be below income limits that vary from county to county. Those income limits range from $30,000 in some counties to $37,335 in Minnehaha County.

The home-repair loans are available only to families in the 17 counties that Miller has designated as disaster areas because of damage to public property.

Those counties are Bon Homme, Brookings, Clay, Davison, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union and Yankton.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TROOPS IN SOMALIA

Mr. PRESSLER. Mr. President, some months ago, I stood on this floor and objected to the manner in which our troops went into Somalia. I said at that time that the U.N. forces, European forces, and Japanese-financed assistance should be leading the way. I felt that the United States should be very careful about involving itself in the situation in Somalia, because it would lead to an entanglement. That prediction has come true. We should be careful when going into countries with military force—I say that as a Vietnam veteran. If we do it through the use of U.N. forces on a cooperative basis, using a multinational force, it is all right. But it is going to be a long time before the United States can disengage in Somalia.

I said that same thing the first day we went in, when it was very popular to be going in, and very unpopular to be saying otherwise. But that is exactly what happened. My prophecy has come true, that we would become entangled in a civil war, and it would be very difficult to disengage. I believe we should disengage as quickly as possible. It is going to get worse. If troops stay there, they should be U.N. multicountry forces, and our troops should not take the lead. We are going to be accused of killing people, and we are going to have claims against the United States. We are going to be blamed for everything. We are blamed for everything anyway. We should not be going on these adventures, sending our troops into countries without multinational backing.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

EMERGENCY DISASTER ASSISTANCE AND CROP INSURANCE REFORM

Mr. DURENBERGER. Mr. President, as America watched the horror caused by floods in the Midwest on TV, my colleague from South Dakota and I, and many others, were personally meeting with the victims in our home States, particularly those in the State of Minnesota, sharing their pain the best we could. It is truly an incredible sight, probably not yet to reach the State of the Presiding Officer right now, which all of our water eventually does. But it is incredible to note that it is now a consensus that the floods of 1993 are the single most widespread disaster to hit my State of Minnesota in 100 years.

As I have viewed newspaper pictures of Des Moines, IA, and places in Missouri, I was struck by the observation that in Iowa and Missouri, waters are wide. In Minnesota, they run very deep, and the damage runs very deep in the heart and the soul of the family farmer and of small communities.

I have never seen such pain, such hopelessness, and I have been through 4 years running of a drought in that part of a State. In the last 3 years, I have been through floods and tornadoes combined, and I have never experienced the pain and hopelessness that you can see in family farmers today.

Farmers in my part of the country, in Minnesota, have been prevented from planting their crops. If you do not make it by the Fourth of July, you do not make it. They have been prevented from planting corn and soybeans in particular. This is a tragedy for the farmers, but the tragedy is not confined to the farmers. Without a steady farm income, the farmers will go out of business. In the Second Congressional District of Minnesota alone, one of our largest, it is estimated that 25 percent of the small businesses will be bankrupt by September.

If Congress does not act now, the potential exists for a massive financial collapse in rural Minnesota—a region which relies on farm income as its economic base, and the heart of the economic base for the rest of the country.

The Senate must act on an emergency disaster bill before August 1, and I will work with the leadership, the administration, the chairman and ranking member of the Appropriations Committee, and anybody else, to move the process along.

Mr. President, these beleaguered citizens have been stricken by the most

violent force of nature in a century. America needs its farmers and its rural communities just as much as any other segment of our society, and it is our responsibility to protect them.

The people of Minnesota, as everyone knows, are particularly strong and they are also very proud. When I visited the disaster victims, they told me that Federal aid was needed but not at the expense of their grandchildren.

So let me be blunt about this. In the past, I have voted against emergency appropriations bills for the victims of disasters in south Florida, Chicago, and Los Angeles. The reason for my opposition was that those congressional actions lacked fiscal restraint and willingness to make sacrifices in other parts of the budget. In other words, it was like free money being sent off to these, at least in a couple cases, community-made disasters, not the result of mother nature. There was no willingness to make any sacrifice anywhere else in the budget. I think this kind of restraint is absolutely essential at a time when we have a $4 trillion national debt.

So I must say it is not the American people that are the problem. When our Nation has been confronted with domestic and international emergencies and disasters, the very best in our people's spirit always come through. Many times in the 217-year history of our Republic, we have asked our citizens to make personal and financial sacrifices for the good of our Nation. And they always have.

In the face of terrible devastation in the Nation's bountiful agricultural sector, a part of our Nation we cannot do without, can we not ask for some sacrifice on the part of our people and Members of Congress? I fear it is the Congress that is the problem, and that is why I make this little talk today.

Can we not ask that the money needed to help rebuild these Midwestern cities, rural areas, and farms be taken from another program in the Federal Government's $1.5 trillion budget? As a servant of the public interest, this Government must help rebuild the economies and incomes of the flooded areas, but we have to do it with fiscal restraint and real sacrifices.

And let no one doubt the severity of the problem—the clear and convincing need for Federal help. Kent Thiesse of Blue Earth County, MN, told me that farmers in his area have lost 30 percent of their corn crop, 40 percent of their soybeans, and will lose almost 60 percent of their alfalfa this year.

Remember, again, we are one of those States. We only get one chance a year, and many of these people lost their jobs in 1991, and lost their chance in 1992, and are now losing it in 1993. These people exemplify personal sacrifice, but they always exemplified community responsibility and that is the reason we need to help them.

In this context, I would like to address a broader issue than just Federal disaster aid, and that is, really, why Federal disaster aid? Last March, I introduced a bill called the Federal Crop Insurance Fairness Act. If that bill were in place today, it would make the prospects brighter for recovery from these losses. I will continue to fight for this bill because it will give farmers real coverage for their crops.

That bill would:

Base coverage on actual production history rather than county averages.

Extend late planting coverage an additional 5 days, to 25 days.

Increase prevented planting coverage by 15 percent, guaranteeing farmers fully 50 percent of the coverage of their crop if natural disasters prohibit them from planting, which is basically our problem in Minnesota. If you cannot get into the field and plant a crop, you cannot be covered by crop insurance, even though it is the kind of disaster that you ought to have insurance to cover.

The problem with the system today is that farmers in Minnesota and across this Nation pay out, but there is nothing there when it is time to collect. Yesterday, Richard Peterson, a corn farmer in Jackson County, MN, showed me his crop insurance statistics for the past 6 years. Between 1986 and 1992, Richard paid $21,000 in crop insurance premiums. He was unable to plant because of drought and rain during 3 of those years and his total received from crop insurance, even though he was not able to get into the field 3 of these years, the total he got back was $2,100 or 10 percent of the premiums that he paid in.

Mr. President, it is this kind of payout that discourages farmers from participating in the crop insurance program, and costs the Government more in disaster assistance—which is my point. I mean we are wasting money by not having an insurance program in effect.

So I intend to offer my legislation, the Federal Crop Insurance Fairness Act, as an amendment to an appropriate vehicle that comes through this body this month and before the August recess.

Both the Federal aid to flood victims and the reform of crop insurance need to be revitalized by the same spirit: A willingness to make fundamental, intelligent choices about what our Federal Government should do and how we are going to pay for it. I look forward to working with colleagues from the flooded areas and other parts of this country to solve this problem in a way that will provide a model for future discussions of emergency spending.

NETWORK AGREEMENT ON TV VIOLENCE

Mr. DURENBERGER. Mr. President, it has been nearly 40 years since Congress held its first hearing on television violence—and 20 years after the U.S. Surgeon General issued a report warning of the impact that television violence has on our people. It took that length of time for the four major television networks to finally acknowledge that TV does affect viewers, especially children.

That recognition—in and of itself, was truly historic.

I am especially pleased that the networks have voluntarily adopted an approach which I outlined a couple months ago, involving violence warning labels, as the first tangible step toward combating the epidemic of TV violence.

THANKS TO MARK OLSON

Mr. President, at this point, I would like to acknowledge the key contribution of Mark Olson, the young Minnesota State legislator who originally brought this particular issue to my attention. Mark introduced a bipartisan resolution in the Minnesota House of Representatives calling on Congress to pass my legislation called the Children's Television Violence Protection Act. Now the networks, in effect, have made that act unnecessary because they have done it voluntarily.

WARNING LABELS ARE NOT ENOUGH

As provided in that bill, the networks have now agreed to place warning cables on certain programs to help alert parents and safeguard children from televised violence. They have also agreed to notify local newspapers and programming guides about violent TV shows.

But as I have said—repeatedly—warning labels alone are not enough to stem the rising tide of TV violence. They are just a warning and reminder of our responsibility. Warning labels will work only when parents are home to supervise their children's TV viewing. True progress would mean a voluntary reduction in violence by the cable and broadcast industries, and by the Hollywood production community as well.

So while I am encouraged by this recent development, I am hopeful that we will see even bolder action by the networks, Hollywood, and the cable industry at the upcoming conference on TV violence next month. With studies now showing that a typical child watches 8,000 murders and 100,000 acts of violence before finishing elementary school, I think we all agree that this problem is just too serious to bandage over.

Let us be clear. The networks' action 2 weeks ago was not enough. There are serious flaws in this type of voluntary system.

First, there is no uniformity. Under this voluntary agreement, each network's standards and practices department will be determining which programs should carry warning labels and which shows should not. Parents will

not have a clear, reliable, uniform standard as to what shows are considered violent.

Second, neither the cable industry nor independent television stations are covered by the agreement. If you have cable TV in your home, you know what I am talking about. You may have 50 or 60 channels coming into your living room. But the agreement reached by the networks covers programs on only four of those channels. That means there will be no warning on about 95 percent of the stations.

Mr. President, because the proliferation of violence is due in large part to cable TV, it is critical that this warning label system be extended to cover cable and independent stations, as well.

I should mention that Ted Turner has acknowledged televised violence's effect on our children, and has been one clear voice in the industry admitting that something needs to be done. But in the cable industry, his is a lonely voice of sensitivity and responsibility.

THE CHILDREN'S TELEVISION VIOLENCE PROTECTION ACT

Mr. President, my intent in introducing the Children's Television Violence Protection Act was to push the broadcast industry, the cable industry, and Hollywood to do more than just place warning labels on violent programming. It was to convince them that legislative action would be taken if they did not actually reduce the amount of violence on TV, and make efforts to portray violence in a less gratuitous manner.

The intent of my bill was to say to the TV industry: We won't let you continue to bombard our children with senseless violence.

So if the networks' voluntary agreement to use warning labels was intended to stave off congressional action, I am here to tell you that it has not pacified this Senator.

I will continue to push for passage of the Children's Television Violence Protection Act, and to support the continued efforts of others in this body—including Senators SIMON, CONRAD, and DORGAN—to reduce TV violence.

JOIN ME IN COSPONSORING THE CTVPA

Finally, Mr. President, I want to say to my colleagues that they should not be ashamed or afraid to stand up to TV violence. Nor should they be deterred by television industry executives who wrap themselves in the cloak of the first amendment while they continue to assault our children day-in and day-out with gratuitous violent images.

I never have maintained that TV violence is the only cause of violence in our society. But over 40 years of evidence now shows, as the networks themselves have acknowledged, that TV violence does affect our children. It has contributed, and continues to contribute, in a very tangible way to the real violence in America today.

The Children's TV Violence Protection Act is fully consistent with the first amendment. And if its warning label system is good enough for some of the television industry, it should be good enough for all. So I want to urge my colleagues to join me and Senators CONRAD, THURMOND, and DOMENICI in cosponsoring the bill, and standing up to TV violence.

I see on the floor my colleague from Illinois. If there is anybody in this body who has committed some part of his service to eliminating violence in our society, and particularly in the media, it is our colleague from Illinois. So I am pleased to yield the floor.

Mr. SIMON. Mr. President, I simply want to commend my colleague from Minnesota for his attention to this problem. There is a growing awareness that we have a problem in our society. I saw one editorial in the Washington Times that said it is not clear that violence on television adds to violence in our society.

That is clear. The research is overwhelming, there is no question about that. Maybe the editorial writer has not read the evidence, but it is very, very clear and we are groping toward some answers. I think the steps that have been taken by the networks are a good first step, but we have to look at where we are going.

I simply want to commend my colleague from Minnesota for his attention to this.

Mr. President, if no one seeks the floor——

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. SIMON. I yield to the Presiding Officer, of course.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will observe that morning business is now closed.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nebraska, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

1993 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Mr. PRESSLER. Mr. President, as the former honorary chairman of Ethnic American Day, I have the distinct privilege of entering into the RECORD the names of the individuals who have been awarded the National Ethnic Coalition of Organizations [NECO] 1993 Ellis Island Medal of Honor.

NECO's distinguished board chairman is Mr. William Denis Fugazy. NECO, founded in 1984, is the only organization in the United States of America that celebrates the ethnic diversity of the American population. NECO serves as a watchdog for ethnic, racial, and religious injustice—and has been the Nation's one constant voice and vigorous advocate for ethnic unity and pride in America. One of its programs is the Ellis Island Medals of Honor.

Each year, since 1986, NECO has recognized America's ethnic diversity by honoring the achievements and contributions of ethnic Americans in all professions, including government, entertainment, business and industry, sports, health care, and communications. NECO's Ellis Island Medals of Honor embody the true spirit of what makes the United States unique among the world's nations.

Many of the country's ethnic groups have no direct connection to Ellis Island, but that is irrelevant to NECO because the experience of all immigrant groups that have landed on our soil has been the same—they have been the target of ethnic, racial, and religious hatred, discrimination, stereotyping, and prejudice.

The Ellis Island Medal of Honor strives to eliminate this hatred. Whether they have entered past Lady Liberty in New York Harbor—or through John F. Kennedy International Airport—or whether they are native Americans, African-Americans, Asian-Americans, or other groups who have not entered this country through Ellis Island—NECO's Ellis Island Medal of Honor embraces all ethnic Americans who call this great country home. The National Ethnic Coalition of Organizations 1993 Ellis Island Medal of Honor recipients are:

1993 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Ms. Roz Abrams
Mr. Joey Adams
Mr. Ernest Allen
Mr. William J. Alley
Mr. Arthur Ashe (posthumous)
Mr. Andrew A. Athens
Mr. Arthur August
Mr. Louis E. Azzato
Bishop Paul A. Baltakis, O.F.M.

Mr. Dado Banatao
Mr. Ben Barnes
Mr. Richard Bernstein
Mr. Max Bleck
Ms. Tova Borgnine
Mr. Vincent A. Calarco
Mr. Jerome A. Chazen
Mr. Alfred A. Checchi
Mr. Edward J. Cleary
Mr. Marshall S. Cogan
Mr. Lester Crown
Michael DeBakey, M.D.
The Honorable Robert J. Del Tufo
The Honorable Edward P. Djerejian
Rt. Rev. Tibor Domotor
Mr. Michael Douglas
Mr. Robert J. Eaton
Mr. William T. Esrey
Ms. Gloria Estefan
Ms. Sandra Feldman
Ms. Geraldine A. Ferraro
Mr. William J. Flynn
Mr. James M. Fox
Mr. Abraham H. Foxman
Mr. Marshall M. Fredericks
Mr. James R. Galbraith
Ms. Rose Gerace-Mancusi
Mr. Thomas S. Gulotta
Mr. Sonny Hall
Mr. Arthur J. Halleran, Jr.
Mr. Charles Harper
Dr. Nils Hasselmo
Mr. John Hatsopoulos
Mr. Daniel Hesse
Mr. Thomas R. Hilberth
Mr. Allan Houser
Mr. Kevork Hovnanian
The Honorable Dr. Irene H. Impellizzeri
Dr. Ray R. Irani
Mr. Theodore H. Ted Jacobsen
Dr. J. Christopher Jafee, D.Eng.
Mr. Morton L. Janklow
The Honorable Sterling Johnson, Jr.
Ms. Kathy Keeton
Mr. Gaynor N. Kelley
Commissioner Raymond W. Kelly
Mr. Patrick J. Keogh
The Honorable Jay Kim
Mr. George Klein
Mr. William I. Koch
Ms. Kay Smith Koplovitz
Mr. Stanley Kreitman
Mr. Joseph Krentzel
Mr. Brij Lal
The Honorable Thomas D. Lambros
Mr. Peter Lawson-Johnston
Mr. Fred Lebow
Mr. Jeff Lederer
Ms. Judith Leiber
Mr. Jay Leno
Mr. O.G. Linde
Ms. Susan Lucci
The Honorable William H. Luers
Mr. George M. Marcus
Mr. Victor Markowicz
John P. McEnroe, Esq.
Mrs. Linda E. McMahon
Mr. Bernard H. Mendik
The Honorable Norman Y. Mineta
Mr. Louis Mofsie
Mr. N. Scott Momaday
The Honorable John P. Murtha
The Hon. Thomas A. Nassif
Dr. Antonia C. Novello
Ms. Sadye Sinn Olivieri
Mr. Edward James Olmos
Mr. Paul F. Oreffice
Mr. William Porter Payne
Rev. Andrew Pier, OSB
Mr. Michael Preisler
Mr. Jerry Reinsdorf
Ms. Mary Ann Restivo
Mr. Pat Riley
The Honorable Carlos Rivera
The Honorable William P. Rogers
Mr. Vincent S. Romano
Mr. Edgar Romney
Mr. Phillip B. Rooney
Mr. Frederic D. Rosen
Leon E. Rosenberg, M.D.
Mr. Eric O. Salonen
Mr. Allan "Bud" H. Selig
Dr. Beurt R. SerVaas
Mr. Herbert J. Siegel
Mr. Nick Smyrnis
Rabbi Ronald B. Sobel
Mr. Sheldon H. Solow
The Honorable John E. Sprizzo
Mr. Howard Stringer
Mr. Thomas J. Sullivan
Mr. Percy Ellis Sutton
Mr. Daniel M. Tabas
Mr. A. Alfred Taubman
Mr. Anthony P. Terracciano
The Honorable Peter Tom
Mr. Angelo K. Tsakopoulos
The Honorable Nydia M. Velazquez
Mr. Karl M. von der Heyden
Mr. LeRoy T. Walker
Mr. Kung Lee Wang
Mr. Walter H. Weiner
Mr. Gary C. Wendt
Ms. Marion Wiesel
Mr. Walter B. Wriston
Mr. Peter Yeung

FAST TRACK MUST BE EXTENDED

Mr. PRESSLER. Mr. President, I wish to address my primary concerns regarding the recent extension of fast-track trade negotiating authority. This extension was necessary if the current negotiations for a new General Agreement on Tariffs and Trade are to be concluded.

South Dakota is the most rural and agricultural State in the Nation. A bright economic future for South Dakota's farmers, ranchers, and small business men and women depends on:

Increasing exports of U.S. agricultural and small business products;

Eliminating nontariff trade barriers and significantly reducing the use of unfair export subsidies; and

A level playing field in the world trade arena.

Future trade agreements must help U.S. agriculture and small business become more competitive in the international marketplace. That is my No. 1 concern.

I have long made it clear that in order for U.S. agriculture to survive, farmers and ranchers must be represented at the trade negotiating table. I cannot support trade agreements that sell U.S. agriculture down the river.

Mr. President, the United States constitutes only 5 percent of the world's population, yet holds a comparative advantage in producing food and fiber. The United States is the world's breadbasket. One out of every 3 acres farmed in the United States is for export. The U.S. food and fiber system contributes nearly 20 percent of our gross domestic product. The key challenge to our trade negotiators is to assure that a new GATT agreement expands markets for U.S. farmers. We must seize this moment.

History has taught us that economic growth is attained through freer trade. Closed markets and protectionist trade action stunts economic growth. What does economic growth mean? It means new jobs. It means better paying jobs. It means higher productivity, higher standards of living. We are more intertwined in the global marketplace than ever before. One out of every six U.S. manufacturing jobs is dependent on exports. That is up from one out of every eight just a few years ago.

So we have 1 out of every 3 acres of land within this country that we export the food from, and one out of every six jobs in this country depends on the products we export. That will accelerate. We will become more and more dependent on international markets.

A BRIEF HISTORY

America's development is deeply connected to trade. From the Boston Tea Party where American citizens protested tea imports to the Tariff Act of 1789, to the Smoot-Hawley Tariff Act of 1930, Americans have tried the heavy hand of protectionism. These protectionist acts resulted in reciprocal action on the part of other nations.

Many believed that the Smoot-Hawley Act was the catalyst for America's Great Depression as well as the worldwide economic downturn. To reverse this situation the United States enacted the Reciprocal Trade Agreements Act of 1934. This law authorized the President to lower duties in trade agreements with foreign countries and embraced the principle that tariff adjustment be made selective and on reciprocal basis. It also gave the President the authority to negotiate tariffs with congressional approval. This act served as the basis for today's trade agreements.

Yet in another effort to promote freer and less restrictive trade the GATT—the General Agreement on Tariffs and Trade—was created in 1948. GATT was designed to serve as the world's governing body for international trade. Its primary objective is to achieve the substantial reduction of tariffs and other barriers to world trade. It is still in existence today.

It has been my hope that the GATT treaty will go forward, but I am worried it will not because of Europe's unwillingness to cut its agricultural subsidies and its subsidies to Airbus. We are decreasing our agriculture subsidies on a 5-year basis. We have two farm bills that have done so.

The GATT has grown in membership from its original 23 member countries to 108 today. Today's member countries represent 90 percent of world trade. Eight negotiating rounds have been held under the GATT—the first created GATT, and the current Uruguay round is the eighth. GATT members afford each other most-favored-nation status. A basic principle of GATT is that member countries consult with one another

to resolve trade disputes. If differences cannot be settled a complaint can be made to the GATT under its dispute settlement clause. Often a GATT panel of experts investigates the complaint and makes recommendations.

The GATT does permit regional trading arrangements, such as United States-Canadian Free-Trade Agreement and the United States-Israel Free-Trade Agreement. As long as these arrangements do not raise trade barriers against GATT members outside the regional arrangements, such free trade agreements are acceptable. Thus the GATT provides an exception to its most-favored-nation clause when the result is freer trade.

As the world enters the 21st century, a new agreement would significantly shape the future economic growth of the world's developing and lesser developed countries. This is significant for the United States since 40 percent of U.S. trade is with the world's developing and lesser developed countries.

WHAT IS AT STAKE

The United States is the world's central marketplace with $929.2 billion in trade in 1992. The United States exported $415.5 billion in 1992, a 21-percent increase since 1989. More than $40 billion in U.S. exports was in agricultural products. Exports of capital goods, such as aircraft, high-technology equipment, and oil exploration equipment are up nearly 30 percent.

Up until now, GATT has dealt primarily with lowering tariffs and quotas. Nontariff trade barriers such as Government research and development, safety standards, licensing, domestic price supports, construction permits, protection of intellectual property rights are all on the table. Is this agenda too ambitious? Only time will tell. Many believe that these nontariff barriers replaced the high tariffs of the 1940's. Will GATT, in time, be able to successfully address these areas as it did with tariff barriers throughout the last 40 years?

Will the world continue to embrace the principles of freer trade and less isolationism? Will these principles be discarded and replaced by Government-controlled managed trade? Will the world retreat into a period of predatory trade practices? I hope that world's answer is a resounding "no."

Mr. President, as we moved to the 1990's, I had hoped that we would have the eighth round, the Uruguay round of the GATT treaties adopted and we would have freer trade in the 1990's. I hope that eventually we have a free-trade agreement in North and South America. I am a believer in free trade as long as we have fair trade. But now I am pessimistic because the world seems to be balkanizing into little trade groups. Europe wants to be protectionistic. It uses some tariffs but it also uses nontariff trade barriers. Indeed, our telecommunications people are told there are no tariffs but they go over there and discover standards and licensing procedures, and other nontariff trade barriers. There is really not free trade there, at least for our people.

The rest of the world believes free trade is being able to have access to the government markets and then put some nontariff barriers on. The nontariff barriers are frequently more vicious and harder.

So I am saddened that as we move through the 1990's we are not having free trade. We seem to be moving more toward regional or balkanized trade in this world, and that will hurt poor people the most. It will lessen the development of jobs, and it will hurt world prosperity.

The administration estimates that over the next decade a successful Uruguay round agreement would increase world output by more than $5 trillion—more than $1 trillion to the United States alone. This translates to an additional $17,000 for the average American family of four. Rules to protect the intellectual property of U.S. business men and women would protect nearly $60 billion of lost revenue due to theft and counterfeiting of U.S. ideas.

It is clear that a new GATT agreement would fuel economic growth and create jobs worldwide.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Leader time is reserved.

GOP READY TO HELP CONFRONT RECORD MIDWEST FLOODING

Mr. DOLE. Mr. President, as the flood of 1993 continues to swallow up more and more land, and encroach on more and more midwestern communities, our thoughts and prayers are with the many thousands of Americans who are waist-deep in this disaster. But, these people need more than our warm wishes, and they will get more from the Federal Government.

We have not yet seen the President's request for emergency assistance, and the scope of this tragedy may not yet be known until the flood waters recede.

As the Republican leader, I am prepared to move quickly, and to cooperate with President Clinton and the administration as we seek to ease the suffering and the hardship of a disaster that has driven people from their homes, crippled businesses, destroyed crops, shut down water supplies, and been linked to at least 19 deaths.

The severe weather that has caused this record flooding has also wreaked havoc in Kansas. Severe storms have pounded Kansas, including tornadoes, heavy rains, large hail, and some extremely high winds. This severe weather has devastated crops, prevented plantings, hampered the wheat harvest, and destroyed homes and businesses.

So I guess, Mr. President, the message I think from all of us in this Chamber is that as soon as it is possible—it is not possible yet because we do not know the extent of the damage—for the President to send us his request, we will, I am certain, act quickly, act together, and act in the total spirit of bipartisanship.

Mr. President, I reserve the remainder of my time.

HATCH ACT REFORM AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 185.

The assistant legislative clerk read as follows:

A bill (S. 185) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That this Act may be cited as the "Hatch Act Reform Amendments of 1993".

SEC. 2. POLITICAL ACTIVITIES.

(a) Subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"§7321. Political participation

"It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

"§7322. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means any individual, other than the President and the Vice President, employed or holding office in—

"(A) an Executive agency other than the General Accounting Office; or

"(B) a position within the competitive service which is not in an Executive agency;

but does not include a member of the uniformed services;

"(2) 'partisan political office' means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

"(3) 'political contribution'—

"(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

"(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

"(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

"(D) includes the provision of personal services for any political purpose.

"§7323. Political activity authorized; prohibitions

"(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or

"(3) run for the nomination or as a candidate for election to a partisan political office; or

"(4) knowingly solicit or discourage the participation in any political activity of any person who—

"(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

"(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

"§7324. Political activities on duty; prohibition

"(a) An employee may not engage in political activity—

"(1) while the employee is on duty;

"(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

"(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

"(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

"(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

"(2) Paragraph (1) applies to an employee—

"(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

"(B) who is—

"(i) an employee paid from an appropriation for the Executive Office of the President; or

"(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

"§7325. Political activity permitted; employees residing in certain municipalities

"The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323 of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

"(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

"(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

"§7326. Penalties

"Any employee who has been determined by the Merit Systems Protection Board to have violated on two occasions any provision of section 7323 or 7324 of this title, shall upon such second determination by the Merit System Protection Board be removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title). Such removal shall not be effective until all available appeals are final.".

(b)(1) Section 3302(2) of title 5, United States Code, is amended by striking out "7203, 7321, and 7322" and inserting in lieu thereof "and 7203".

(2) The table of sections for subchapter III of chapter 73 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER III—POLITICAL ACTIVITIES

"7321. Political participation.
"7322. Definitions.
"7323. Political activity authorized; prohibitions.
"7324. Political activities on duty; prohibition.
"7325. Political activity permitted; employees residing in certain municipalities.
"7326. Penalties.".

SEC. 3. AMENDMENT TO CHAPTER 12 OF TITLE 5, UNITED STATES CODE.

Section 1216(c) of title 5, United States Code, is amended to read as follows:

"(c) If the Special Counsel receives an allegation concerning any matter under paragraph (1), (3), (4), or (5) of subsection (a), the Special Counsel may investigate and seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.".

SEC. 4. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) Section 602 of title 18, United States Code, relating to solicitation of political contributions, is amended—

(1) by inserting "(a)" before "It";

(2) in paragraph (4) by striking out all that follows "Treasury of the United States" and inserting in lieu thereof a semicolon and "to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both."; and

(3) by adding at the end thereof the following new subsection:

"(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(b) Section 603 of title 18, United States Code, relating to making political contributions, is amended by adding at the end thereof the following new subsection:

"(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.".

(c)(1) Chapter 29 of title 18, United States Code, relating to elections and political activities is amended by adding at the end thereof the following new section:

"§610. Coercion of political activity

"It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the Federal Government as defined in section 7322(1) of title 5, United States Code, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"610. Coercion of political activity.".

SEC. 5. AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965.

Section 6 of the Voting Rights Act of 1965 (42 U.S.C. 1973d) is amended by striking out "the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity" and by inserting in lieu thereof "the provisions of subchapter III of chapter 73 of title 5, United States Code, relating to political activities".

SEC. 6. AMENDMENTS RELATING TO APPLICATION OF CHAPTER 15 OF TITLE 5, UNITED STATES CODE.

(a) Section 1501(1) of title 5, United States Code, is amended by inserting ", the District of Columbia," after "State".

(b) Section 675(e) of the Community Services Block Grant Act (42 U.S.C. 9904(e)) is repealed.

SEC. 7. APPLICABILITY TO POSTAL EMPLOYEES.

The amendments made by this Act (except for the amendments made by section 8), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.

SEC. 8. POLITICAL RECOMMENDATIONS.

(a) Section 3303 of title 5, United States Code, is amended to read as follows:

"§3303. Political recommendations

"(a) For the purposes of this section—

"(1) 'agency' means—

"(A) an Executive agency; and

"(B) an agency in the legislative branch with positions in the competitive service;

"(2) 'applicant' means an individual who has applied for appointment to be an employee;

"(3) 'employee' means an employee of an agency who is—

"(A) in the competitive service;

"(B) a career appointee in the Senior Executive Service or an employee under a similar appointment in a similar executive service; or

"(C) in the excepted service other than—

"(i) an employee who is appointed by the President; or

"(ii) an employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character; and

"(4) 'personnel action' means any action described under clauses (i) through (x) of section 2302(a)(2)(A).

"(b) Except as provided under subsection (f), each personnel action with respect to an employee or applicant shall be taken without regard to any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for such personnel action, made by—

"(1) any Member of Congress or congressional employee;

"(2) any elected official of the government of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;

"(3) any official of a political party; or

"(4) any other individual or organization.

"(c) Except as provided under subsection (f), a person or organization referred to under subsection (b) (1) through (4) is prohibited from making or transmitting to any officer or employee of an agency, any recommendation or statement, oral or written, with respect to any employee or applicant who requests or is under consideration for any personnel action in such agency. Except as provided under subsection (f), the agency, or any officer or employee of the agency—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such written recommendation or statement, appropriately marked as in violation of this section, to the person or organization transmitting the same.

"(d) Except as provided under subsection (f), an employee or applicant who requests or is under consideration for a personnel action in an agency is prohibited from requesting or soliciting from a person or organization referred to under subsection (b) (1) through (4) a recommendation or statement.

"(e) Under regulations prescribed by the Office of Personnel Management, the head of each agency shall ensure that employees and applicants are given notice of the provisions of this section.

"(f) An agency, or any authorized officer or employee of an agency, may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the agency or such authorized officer or employee, any statement with respect to an employee or applicant who requests or is under consideration for a personnel action, if—

"(1) the statement is furnished pursuant to a request or requirement of the agency and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the employee or applicant;

"(2) the statement relates solely to the character and residence of the employee or applicant;

"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the employee or applicant meets suitability or security standards;

"(4) the statement is furnished by a former employer of the employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such employee or applicant during employment with such former employer; or

"(5) the statement is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.

"(g) An agency shall take any action it determines necessary and proper under subchapter I or II of chapter 75 to enforce the provisions of this section.

"(h) The provisions of this section shall not affect the right of any employee to petition Congress as authorized by section 7211.".

(b) The table of sections for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3303 to read as follows:

"3303. Political recommendations.".

(c) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action except as provided under section 3303(f);".

SEC. 9. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.

(a) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§5520a. Garnishment of pay

"(a) For purposes of this section—

"(1) 'agency' means each agency of the Federal Government, including—

"(A) an executive agency, except for the General Accounting Office;

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any agency of the judicial branch of the Government; and

"(D) any agency of the legislative branch of the Government, including the General Accounting Office, each office of a Member of Congress, a committee of the Congress, or other office of the Congress;

"(2) 'employee' means an employee of an agency or member of the uniformed services as defined under section 2101(3);

"(3) 'legal process' means any writ, order, summons, or other similar process in the nature of garnishment, that—

"(A) is issued by a court of competent jurisdiction within any State, territory, or possession of the United States, or an authorized official pursuant to an order of such a court or pursuant to State or local law; and

"(B) orders the employing agency of such employee to withhold an amount from the pay of such employee, and make a payment of such withholding to another person, for a specifically described satisfaction of a legal debt of the employee, or recovery of attorney's fees, interest, or court costs; and

"(4) 'pay' means—

"(A) basic pay, premium pay paid under subchapter V, any payment received under subchapter VI, VII, or VIII, severance and back pay paid under subchapter IX, sick pay, incentive pay, and any other compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus pay or otherwise; and

"(B) does not include awards for making suggestions.

"(b) Subject to the provisions of this section and the provisions of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673) pay from an agency to an employee is subject to legal process in the same manner and to the same extent as if the agency were a private person.

"(c)(1) Service of legal process to which an agency is subject under this section may be accomplished by certified or registered mail, return receipt requested, or by personal service, upon—

"(A) the appropriate agent designated for receipt of such service of process pursuant to the regulations issued under this section; or

"(B) the head of such agency, if no agent has been so designated.

"(2) Such legal process shall be accompanied by sufficient information to permit prompt identification of the employee and the payments involved.

"(d) Whenever any person, who is designated by law or regulation to accept service of process to which an agency is subject under this section, is effectively served with any such process or with interrogatories, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is made, send written notice that such process has been so served (together with a copy thereof) to the affected employee at his or her duty station or last-known home address.

"(e) No employee whose duties include responding to interrogatories pursuant to requirements imposed by this section shall be subject to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the carrying out of any of such employee's duties which pertain directly or indirectly to the answering of any such interrogatory.

"(f) Agencies affected by legal process under this section shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.

"(g) Neither the United States, an agency, nor any disbursing officer shall be liable with respect to any payment made from payments due or payable to an employee pursuant to legal process regular on its face, provided such payment is made in accordance with this section and the regulations issued to carry out this section. In determining the amount of any payment due from, or payable by, an agency to an employee, there shall be excluded those amounts which would be excluded under section 462(g) of the Social Security Act (42 U.S.C. 662(g)).

"(h)(1) Subject to the provisions of paragraph (2), if an agency is served under this section with more than one legal process with respect to the same payments due or payable to an employee, then such payments shall be available,

subject to section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673), to satisfy such processes in priority based on the time of service, with any such process being satisfied out of such amounts as remain after satisfaction of all such processes which have been previously served.

"(2) A legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) for the enforcement of the employee's legal obligation to provide child support or make alimony payments, shall have priority over any legal process to which an agency is subject under this section.

"(i) The provisions of this section shall not modify or supersede the provisions of sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662) concerning legal process brought for the enforcement of an individual's legal obligations to provide child support or make alimony payments.

"(j)(1) Regulations implementing the provisions of this section shall be promulgated—

"(A) by the President or his designee for each executive agency, except—

"(i) with regard to members of the armed forces as defined under section 2101, the President or, at his discretion, the Secretary of Defense shall promulgate such regulations; and

"(ii) with regard to employees of the United States Postal Service, the President or, at his discretion, the Postmaster General shall promulgate such regulations;

"(B) jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives, or their designee, for the legislative branch of the Government; and

"(C) by the Chief Justice of the United States or his designee for the judicial branch of the Government.

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.".

(b)(1) The table of chapters for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5520 the following:

"5520a. Garnishment of pay.".

(2) Section 410(b) of title 39, United States Code, is amended—

(A) by redesignating the second paragraph (9) (relating to the Inspector General Act of 1978) as paragraph (10); and

(B) by adding at the end thereof the following new paragraph:

"(11) section 5520a of title 5.".

SEC. 10. EFFECTIVE DATE.

(a) The amendments made by this Act shall take effect 120 days after the date of the enactment of this Act, except that the authority to prescribe regulations granted under section 7325 of title 5, United States Code (as added by section 2 of this Act), shall take effect on the date of the enactment of this Act.

(b) Any repeal or amendment made by this Act of any provision of law shall not release or extinguish any penalty, forfeiture, or liability incurred under that provision, and that provision shall be treated as remaining in force for the purpose of sustaining any proper proceeding or action for the enforcement of that penalty, forfeiture, or liability.

(c) No provision of this Act shall affect any proceedings with respect to which the charges were filed on or before the effective date of the amendments made by this Act. Orders shall be issued in such proceedings and appeals shall be taken therefrom as if this Act had not been enacted.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, a couple of decades ago, there was a popular TV cop named Joe Friday. He always began his investigations by asking: Just give me the facts ma'am, just give me the facts.

We are called upon to investigate the proposed reform of the Hatch Act and the facts are what we want, not some of the rhetoric, not some of the false claims about what the Senate bill or House bill does, which are completely different. We need the facts about what is in this legislation.

This bill to reform—and it is a reform, it is not a repeal in spite of what some of the newspapers have said—it is not a repeal, it is truly just a reform, a fine tuning of the Hatch Act to bring it up to date. And some have said that we would undermine the law. One of the quotes was that we would let "the ghosts of corrupt government come creeping back under the disguise of 'worker rights'."

Mr. President, nothing could be further from the truth. Let me put things very simply, just the facts.

The Hatch Act Reform Amendments of 1993 would do three things, basically:

On the job, it would make the Hatch Act tougher than it now is. It would tighten up on Hatch Act. It would not make it weaker but would tighten up on it. I would make it tougher than it now is, retaining and strengthening current prohibitions against on-the-job political activity by Government employees and would beef up penalties for violators.

So just one very straightforward thing on the job, and that is no political activity of any kind on the job. That tightens up the Hatch Act. That does not loosen it up. That is not making exceptions. That is making it tougher.

No. 2, off the job, but still with major restrictions, it would allow America's 3 million civil servants to reclaim their constitutional rights by participating in our Nation's political process voluntarily—underlining voluntarily—and on their own time as private citizens.

No. 3, it would eliminate and/or clarify current rules that are confusing, that are often nonsensical and quite often contradictory.

I will go into these in a little more detail.

First, why do we want to mess around with the Hatch Act anyway? Why do we want to change it at all? I would submit that because in 1993, conditions are very much different for Federal employees than they were way back in 1939 when the Hatch Act was originally passed. Because many Hatch Act rules, as currently written, are arbitrary, they are capricious, inexplicable, and they are indefensible. And because Federal employees should not be treated like second-class citizens and be forced to forfeit their constitutional rights when they opt for careers in public service.

Let me put them in public service, which I think is an honorable profession—which it certainly is. Then all of a sudden we say yes, but we cannot trust you to do all of these other things.

The Hatch Act was passed in 1939—and that was before the development of a professional civil service and at a time when Federal jobs were awarded, not on the basis of merit competition, but, quite often, in fact, most of them, as patronage plums for political contributions. To protect civil servants in such a climate, it was deemed necessary to bar them from taking part in most political activity.

Here we are some 54 years later, and we have a very dramatically different situation. We have a well-established, a professional, a classified merit-based civil service which ensures that promotions in the vast majority of Federal jobs go to those with the best qualifications, not the best political connections.

It would establish an office of special counsel; it would established a merit systems protection board to which appeals could be made if an employee feels he or she has been dealt with unfairly.

And we have many other laws on the books that further protect Federal employees from political coercion and manipulation. I should note that these employees protected are not the 2,000 or so top-level Government officials that are appointees of each new President and who serve at that President's pleasure.

Unfortunately, we also have a number of Hatch Act rules and regulations on the books that make no sense and that deprive Federal employees of many basic rights that all other Americans just take for granted.

The dire portent of some of the editorials, however, is based on the fact that if the Senate joins the House to reform the 1939 Hatch Act that prohibits partisan political activity by Federal employees, our bill will somehow be transferred over into the House bill which was something completely different. That is a big if and it has not occurred.

The House and Senate bills are completely separate with completely different provisions. Directly to the point, it was not the House bill that was passed by the Governmental Affairs Committee. The Senate bill does bring some clarification, understanding, and fairness to what has been a muddled, a confusing, and a maladministered Hatch Act. Through the years, there have been some 1,500 identified rulings, regulations, and interpretations that grew up around the Hatch Act—many conflicting and overlapping and unclear. Some of those have been corrected. But some have not. Let me give

you a few examples of some that have not.

If you are a civil service employee, as like every other U.S. citizen, under current law, you are permitted to contribute up to $1,000 to a Federal candidate.

That is, for the President in a Presidential election or, in campaign for a Member of Congress or for the U.S. Senate, you can contribute up to $1,000. Let us say that person contributes $1,000 to the person of their choice, and, yet, the next-door neighbor, a civil servant, has a couple of kids in college and cannot afford that $1,000; they need to put it into tuition at the university—and I admire that—but this person is just as interested politically in what is going on in the world and what his Congressman or Senator is going to be doing and thinking, and he wants to support that person. Yet, he does not have the money to do it. You would think that person could go down to the headquarters and say: I want to make an in-kind contribution of my time. I want to help stuff envelopes or drive a car around and help you in campaign activities. That is against the law. That person could be cited and could even lose his civil service position for coming down and giving an in-kind contribution just because that person does not have $1,000 to contribute to a candidate of his choice. Is that right? I do not think so.

Let me give another example of where the law is foolish and where we need some overhaul of the Hatch Act. Some persons want to indicate their support for a certain candidate. They are civil service employees. It is quite legal for them now to go down and get 100 signs and bring them home and put them in the front yard. They can have them all around the corner on which they live, or lawn signs, or in the windows; they can have them everywhere. They can put 20 signs on the automobile and drive around pointing to the signs. That is fine and good. That is permitted under the law right now. A person is also permitted to go to a political rally, not to participate as such, but just to go to it. But if he walks in the door and they have one of those signs and somebody hands that person a sign to stand in the back of the hall and hold—the same sign he had all over his or her car, the same sign all over their lawn—that is illegal. You can be cited for that. A person could lose his or her civil service position. Is that right? I do not think so. I think that needs to be corrected.

Another example: Federal employees may, by law, publicly express their opinions about political candidates. But the law also says they cannot make a speech on behalf of that candidate. How do you define that? What is the difference between stating your views about a political candidate and making a speech on behalf of that candidate? Is it because somebody stuck a microphone up in front of your face? Does that then become a speech? Do you have to have a crowd? What is the size of the crowd? Is it two people? Is a crowd 5, 50, or 500 people? What if the microphone is hooked into a TV camera and you are going out to 10 million people all over the country? I guess that is not a speech. Is it legal? Is TV or radio OK? If you are talking to a print reporter that puts your remarks out to 400,000 or 500,000 people in the newspaper, is that OK?

Well, obviously, I do not have the answers to these questions. I think they pose ridiculous questions, and we try to straighten some of those things out.

Let me give you another example: A Federal employee can wear a candidate's campaign button, any size, on the job, but is prohibited from campaigning for or against that candidate. Let us say the boss walks in some morning and he has a Clinton-Gore badge on here about 6 inches across, and we have a Bush-Quayle sign on somebody else, on another boss, and we do not think that is going to influence those people working for that person? They are permitted to do that. If the boss is wearing a large campaign button to work, it seems that is a not so subtle coercion of subordinates. That is permitted under current law. The bill we are talking about here today would stop that. There would be nothing political on the job, not even a lapel button of any size, 1 inch, 6 inch, whatever you might have.

I do not think I need to go on, because, from these examples, it is obvious that current rules are inconsistent, confusing, and desperately in need of overhaul. My bill would rationalize the rules while retaining all of the basic prohibitions of the original Hatch Act that are just as valid today as they were in 1939. I support the Hatch Act. I just want to make it workable.

Under this bill, Federal employees would still be barred from running for partisan political office. The House bill permits such candidacy, so let us not confuse the two bills. This bill would still bar civil servants from running for partisan political office.

Federal employees would still be barred from soliticting political contributions under this bill. The only contributions that could be solicited would be by a member of a union for the PAC of that union, and the only solicitation would be to other members of that particular union and from nobody that was a subordinate, no one that was a subordinate.

That is another big difference with the House bill. The House bill permits solicitations of the public and/or other people, except subordinates.

Another provisions of this bill, coercion of subordinates, would not only still be banned, but it would be subject to greatly increased penalties. The penalties under this bill, as a matter of fact, for violations would be up to a $5,000 fine and 3 years in prison. The House bill has far lower penalties.

In short, this bill, not the House bill, makes a long-needed, clear distinction between political activity on the job and political activity off the job, away from work and on an employee's own time. The former would be absolutely and unequivocally prohibited, even including wearing campaign buttons on the job, which current law permits; no political activity on the job, zero, including even what is permitted under today's Hatch Act.

So this legislation makes the Hatch Act more restrictive and tougher than ever, tougher that it now is, on the job. I cannot see why anybody who is interested in good government would oppose that. Voluntary political activity off the job and after hours still, with sensible controls and restrictions, would be recognized for just what it is, a basic constitutional right and a crucial ingredient of a free democratic society of whatever political party.

The year 1939 was a long time ago. Time and circumstances change, and so should the Hatch Act—sensibly. With the above clarifying explanations, I just hope my colleagues will all support the kind of obviously needed Hatch Act changes that I have proposed. If not, let somebody suggest a better way. Maybe I will join them. I just do not want to see this kind of Hatch Act confusion continue. As Sergeant Friday used to say, "Just the facts, ma'am," and he closed each broadcast by saying, "Well, that's about the size of it."

Well, that is about the size of it. Mr. President, the last time the Hatch Act reform visited the floor during the 101st Congress, it passed the Senate by a vote of 67–30. President Bush vetoed this measure, and the Senate, though, failed to override that veto by two votes. We had two people switch when it came back for a veto override.

(Mr. CAMPBELL assumed the chair.)

Mr. GLENN. Mr. President, S. 185 is not quite identical, but it is close to it except for the addition of two provisions. S. 185 now contains a new section which would prohibit political recommendations in hiring and promotion decisions for career Civil Service employees.

It is based on language already included in title 39 for postal employees and was recommended by the Clinton administration.

The bill also contains the text of S. 253, the Garnishment Equalization Act. This legislation would allow our Nation's civil servants to participate voluntarily as private citizens in the Nation's political process. It would eliminate many of the complicated, restrictive, and confusing rules which inhibit the political activities and conduct of Federal employees. This legislation

puts an end to not only the chilling effect on the legitimate political activity off the job the Hatch Act rules and regulations have produced, but it also strengthens prohibition of political activity on the jobs, examples of which I just gave a moment ago.

In other words, Mr. President, S. 185 would restore constitutional political rights to nearly 3 million people—rights which most of us take for granted. The right of American citizens in good standing to participate in the politics of the Nation is a fundamental principle of our Democratic society.

There are those who say, well, OK, we are just denying this for a few people for a greater purpose. I will say where there is no purpose, where there is no demonstrated need for these kinds of restrictions, then to deny just a few is not American to me any more than it was right to deny just for a comparatively few people their rights under civil rights back some years ago. This is a fundamental principle in our Democratic society.

The purpose of this legislation is to reform and not repeal a 54-year-old law. When we discussed Hatch Act reform, my worthy opponents in times past on the floor here have often cited Thomas Jefferson who warned the politicization of Federal bureaucracy was a threat to the Constitution. I respond to my colleagues that S. 185 will not lead to the politicization of Federal employees because the bill does not destroy the Hatch Act. It strengthens it. It makes the law more workable.

I would remind my colleagues to another Jefferson quote:

> I am certainly not an advocate for frequent and untried changes in laws and Constitutions * * * but * * * laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

Simply put, times have changed and so must the Hatch Act.

When the Hatch Act was passed in 1939 the development of a professional civil service was being undermined by patronage appointments. More than 60 new Federal agencies had been created by the end of 1934 but only 5 had been placed under the jurisdiction of the Civil Service Commission. This meant that the majority of these agencies were being staffed on the basis of pure political patronage rather than merit competition. This rapid growth of patronage jobs—more than 300,000 of them as a matter of fact—caused congressional concern that some civil servants might be working for partisan rather than national interests.

The issues raised in the 1939 congressional debate offer a good perspective on the motivation for the original act. I quote from the floor debate of Mr. McLean of New Jersey on July 20, 1939. He said:

> It was established many years ago that the merit system should control in the appointment of persons to public office, and that the political idea that "to the victor belongs the spoils" should no longer be the measure by which appointment is made. If that principle had been adhered to there would be no reason, and hence no demand, for this legislation. But the new deal, under the pretense of emergency, saw fit to disregard the merit system and to provide in all legislation adopted that in making appointments to public office the provisions of Civil Service laws should not apply. But for that there would be no occasion for the enactment of this legislation.

That is the end of quote out of the debate of Mr. McLean of New Jersey on July 20, 1939.

In other words, in passing the Hatch Act, Congress was attempting to protect the civil servants from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether. Fifty-four years later we have a dramatically different situation—we have an established, professional civil service, hired on competitive merit basis. We also have many different laws on the books to protect Federal employees from coercion. We have the Office of Special Counsel, we have the Merit System Protection Board, to which employees can turn if they feel they have been dealt with unfairly.

In 1966, Congress created the Commission on Political Activity of Government Personnel. This was a bipartisan Commission and it was charged with the task of extensively studying the question of Hatch Act reform. After countless public hearings, informal conferences, and interviews, the Commission issued a report that recommended the Hatch Act be clarified. This was in 1966. It concluded that the current Hatch Act law was confusing, it was ambiguous, restrictive, and negative in character, and according to the Commission report:

> The best protection that the Government can provide for its personnel is to prohibit those activities that tend to corrode a career system based on merit. This requires strong sanctions against coercion. It also requires some limits on the role of the Government employee in politics. It was the unanimous view of the commission members, however, that these limits should be clearly and specifically expressed, and that beyond those limits political participation should be permitted as fully as for all other citizens.

In developing this legislation the Governmental Affairs Committee exercised extreme caution in retaining this balance that the Commission spoke about.

First of all, there is nothing in S. 185 that would change Federal civil service laws requiring that Federal employees be hired and promoted based upon their qualifications. In fact, section 8 of S. 185 would specifically prohibit political recommendation in hiring and promotion decisions for career civil service employees.

I repeat that: Would specifically prohibit political recommendations, including congressional recommendations, in hiring and promotion decisions for career civil service employees.

Second, S. 185 contains the strong sanctions against coercion recommended by the Commission. This bill would retain all current law prohibitions and penalties against the use of one's official position to influence other employees. In fact, under this bill criminal penalties for those convicted of such abuse would be increased. In fact, they go up to $5,000 and 3 years in jail, as well as dismissal from the job.

Third, S. 185 still contains limits on the kind of political activity that Federal employees can engage in. Under this bill, Federal employees still could not run for partisan elective office—partisan elective office. Under this bill, Federal employees still could not solicit political contributions from the general public or subordinate employees. You can do that under the House bill, but not under this bill. And under this bill—unlike current law—all on-the-job political activity would be banned. Nothing on the job. Cannot even wear a campaign button on the job.

That tightens things up. That is not repeal of the Hatch Act. That tightens it up.

Finally, the legislation would set the clear and specific limits on political activity that the Commission mentioned. By making a clear distinction between activity on the job and activity off the job, away from work, on an employee's own time, all political activity on the job would be banned. That would even include, as I have said, the wearing of a campaign button. In addition, it would prohibit Federal workers from engaging in any political activity while wearing uniforms or insignia that identify them as a Federal or postal employee. So it tightens up on the job.

Under the reform proposal, "Hatched" employees would enjoy more freedoms after working hours, off the job, by being allowed to work voluntarily as private citizens for candidates and causes of their choice. For example, I mentioned a while ago the political rally, where a person could have a sign on the lawn. They could have 50 signs on the lawn. They could have their automobiles plastered with signs, bumper stickers all over it, placards on the side, taped to the side of it. But yet, if they walk into a political rally and someone places one of those signs in their hands, they would be charged with a violation because they are at a political rally. I think that is a little bit ridiculous.

If they walk into a rally like that, if this bill becomes law, they would be allowed to carry posters at a political rally, they would be allowed to go to a headquarters and stuff envelopes if they wanted to, participate in voter registration drives, and distribute campaign material while off the job.

These are basic rights other Americans take for granted. I would submit, as long as their neighbors can give a $1,000 contribution to the Federal candidate of their choice, everybody should be able, if they want to participate in the political process, also to give their in-kind contribution, go down and give some of their sweat labor, go down and take part in the whole process, if they want to, voluntarily.

If they are coerced, 3 years in jail and a $5,000 fine and firing for any of their supervisors that may have coerced them into doing this sort of thing. So we would prohibit that absolutely. It is just basic rights that other Americans take for granted.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political processes. It is a right that has been denied to them for some 54 years.

Reforming the Hatch Act—and it is reform, not repeal—requires us to practice what we preach: That democracy benefits from the free participation of law-abiding citizens.

I believe this bill does strike a fair and workable balance between the rights of Federal employees to participate in the political process and the protection of the public and Federal employees from political coercion. Coercion will be penalized with increased penalties that are provided in this bill.

Mr. President, before turning the floor over to my distinguished colleague from Delaware on the other side of the aisle, let me run through just a couple of things here so there will not be any confusion, because I think in some of the editorials I have seen there has been a lot of confusion about the two different bills. The House bill is quite different than the Senate bill.

In the Senate bill, employees would still be prohibited from running for partisan elective office. Now they could run for nonpartisan offices—nonpartisan offices back in my home State of Ohio, like the judiciary from top to bottom is nonpartisan—school boards, township trustees, some mayors, some councils, some municipal clerks, some clerks of the court.

Under the House bill, elective office employees would be able to run for partisan local office and only nonpartisan statewide offices. So we have a major difference there.

We get into a very major difference, though, on solicitation, on requests for money for political campaigns.

Under the Senate bill, S. 185, employees would be prohibited from soliciting a political contribution from the general public or from any subordinate employee. And political contribution is defined as anything of value. An employee could solicit a contribution for a labor organization's multicandidate political action committee if the donor were a member of the same labor organization and was not a subordinate employee.

In other words, any request for funding that comes from a designated person within that union could only go to other union members. It could not go to anyone who was not a union member and the request could not be made of anyone who was a subordinate of the person making that request.

Now over on the House bill, solicitation of employees would be allowed to solicit contributions from the general public and nonsubordinate Government employees.

So that is a very major difference between the two bills. I think there has been a lot of confusion about the differences.

In the Senate bill, also, we include additional language in title V, as I mentioned a moment ago, to prohibit the use of political recommendations in hiring and promotion decisions for career civil service employees.

Now, quite frankly, this was requested by the Office of Personnel Management, because they thought this should be tightened up a little, so that political recommendations could not creep through the system and be used in determining whether a person would be promoted or not from one civil service position to another. And I agree with that. We thought that this was probably already adequately covered in law but, just to make sure that there is no confusion about it, we put it in here. OPM requested that we do that. The House, on hiring like that, has no similar provision.

Garnishment. We provide that Federal employees' wages can be garnished to pay for bad debts that have been decided by the courts. That is one that needed some tightening up for a long time. The House bill has no similar provision.

Under penalties, we provide, under the State bill, that an employee found guilty of any two Hatch Act violations should be removed from his or her job. These are for cases decided by the Merit System Protection Board. Any level violation, two times and out.

I believe when we had this on the floor before, if I am correct, that that was submitted by Senator DOLE. And I think we accepted that. We included that in this bill because that tightens it up and I think it is good.

We also increase in this bill the coercion penalty. And I believe that was submitted last time around when we had the Hatch Act on the floor by Senator ROBB. Senator ROBB wanted to tighten that up by making tougher penalties—I believe 3 years in prison and a $5,000 fine. Senator ROBB submitted that and we adopted that and we accepted that.

So coercion gets a stiffer penalty under this bill—3 years in prison and a $5,000 fine and dismissal for violations.

So you can see there is a great deal of difference between the Senate bill and the House bill.

We think this is a much needed correction for the Hatch Act. On the job it tightens things up. It makes it tougher on the job. Absolutely no political activity will be acceptable on the job. Off the job, it lets people have a little bit more freedom, but still under very carefully controlled circumstances.

And if they are being coerced into off-the-job activity—as they could be now; this does not change that—but if they are being coerced into off-the-job activity, then the penalties are stiffer—3 years in jail, $5,000 fine, dismissal. That is pretty tough, I would say.

So there are very major differences between the Senate bill and the House bill.

Mr. President, for all those reasons, I, obviously, feel strongly that the Hatch Act should be passed. I urge my colleagues to give it their support.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as the Nation celebrates the 250th anniversary of the birth of Thomas Jefferson, the first Democratic President, it is appropriate to consider his views on the relationship between Government and Government employees. Jefferson, one of the very first people to comment on the issue of employee political activity, deemed it not inconsistent with the Constitution that Federal employees should not engage in electioneering.

Despite Jefferson's directive, and the passage of the Civil Service Act of 1883, problems with political activity continued to arise. In spite of all the efforts of various Presidents through our history, the Nation never licked the problem of the spoils system until a Democratic Congress under the leadership of a Democratic President enacted the Hatch Act in 1939. Since then, the Hatch Act has protected the Federal employee, fostered a more efficient work force, and enhanced the confidence of the American people in the nonpartisan administration of Government.

S. 185 not only wipes out 54 years of a civil service protected by the Hatch Act, but is a complete break from our Nation's entire history, extending from Thomas Jefferson, to John Tyler, to

Rutherford B. Hayes, to Theodore Roosevelt, to Franklin Delano Roosevelt, to Gerald Ford, and George Bush.

President Bush's veto of similar legislation in 1990 was a continuation of a long line of Presidential actions to protect Federal employees from coercion and maintain the nonpartisan administration of Federal programs. In his veto message, President Bush stated:

Originally enacted in 1939 as a bulwark against political coercion, the Hatch Act has successfully insulated the Federal service from the undue political influence that would destroy its essential political neutrality. It has been manifestly successful over the years in shielding civil servants, and the programs they administer, from political exploitation and abuse.

Unfortunately, there are those who are determined to take us in the opposite direction. In my view, President Clinton is the first President in this century who would sign such legislation.

More than 50 years ago, a Democratic Congress under the stewardship of a Democratic President voted to remove partisan politics from the federal work force and protect Federal employees from coercive pressures to be involved in partisan activity. That so many Presidents, Democrat and Republican, promoted a civil service removed from what Thomas Jefferson condemned as electioneering should alert this body that S. 185 is a sharp break from fundamental principles that have governed us for two centuries.

In 1976 President Ford vetoed legislation similar to that reported by the committee because it was "bad for the employee, bad for the Government, and bad for the public."

This legislation is bad for the Federal employee because it unleashes irresistible pressures to become politically active in partisan causes which they do not support.

This legislation is bad for the Federal Government because it would undercut the neutral, nonpartisan administration of programs by civil servants. It would nourish a working environment where politics replaces merit.

This legislation is bad for the public because it promotes employee interests above the will of the American people. The Federal work force is the servant of the American people, to act as their instrument—not as their foil.

Proponents of S. 185 continue to ignore the adverse impact of this legislation on the Government and on the American people and focus attention exclusively on the Federal employee. They would have you believe that the Hatch Act oppresses Federal employees and that S. 185 would set them free. The truth is the very opposite. The Hatch Act protects Federal employees from the inside and outside coercion.

The Hatch Act is the Federal employees' civil rights act. S. 185 would, in practice, restrict their freedom.

A similar debate might be held regarding section 603 of title 18, United States Code. That provision, among other things, forbids the Senate staff from making campaign contributions to their respective Senators. This provision, it might be argued, robs Senate staffers of the right to contribute to Senate campaigns, a right enjoyed by the entire American people except for the oppressed few.

But we all know why this provision was passed and has been retained on the books. Section 603 was not enacted to oppress, or even to trade employee rights for the honor and privilege of Government service, but to protect the employee. Were it not for section 603 and similar provisions, it might become expected of Senate staffers to make such contributions.

Since it is not possible to outlaw expectations, the only way to protect Senate staffers is to prohibit this form of political activity.

Similar expectations will arise for Federal employees if Hatch Act protections are removed. Given the subtle nature of inferred expectations, penalties are ineffective in preventing the pressures an employee will feel to become actively involved in political causes in which the employee has no desire to participate.

The employee is thus deprived of his civil rights even though there is no civil rights violator. The majority's willingness to provide for greater punishment for violators reveals their fundamental misunderstanding of what S. 185 would do. They just do not get it.

On June 21, 1990, the day the Senate considered President Bush's veto, the New York Times published an editorial entitled, "Don't Destroy the Hatch Act."

The Times editorial stated, in part:

[Proponents] say the bill offers sufficient protection against political coercion. But that ignores reality. Mr. Bush rightly feared that without the Hatch Act excuse, Federal employees, including tax auditors and prosecutors, would inevitably confront subtle pressures to contribute money and time to partisan causes.

Mr. President, the Times is right. This would be the inevitable result of this legislation. Proponents of S. 185 seem oblivious to the expectations, the pressures, and the coercion that will spring forth if this legislation is enacted.

They rely on criminal sanctions, which according to President Bush's veto statement, "would add little if anything to the effectiveness of existing criminal statutes," and one clause of the bill which tracks an 1883 Executive order that no person in the Executive civil service shall "use his official authority or influence either to coerce the political action of any person or body or to interfere with any election."

As later history was to show, the 1883 Executive order did not adequately protect Federal employees. Its terms, like the provision in S. 185, did not address expectations. Its terms did not address subtle pressures. Its terms did not address postelection reprisals.

These lapses are not the fault of the 1883 Executive order. It was not until Civil Service rule No. 1 was amended by President Theodore Roosevelt that it became an effective deterrent to the spoils system.

As amended, Civil Service rule No. 1 prohibited employees from taking "an active part in political management or political campaigns." Mr. President, S. 185 essentially repeals Civil Service rule No. 1—the fundamental safeguard of employees—and retains the prohibition on coercion. But this proved ineffective as standing alone. No wonder the employee is left so exposed to political pressure under S. 185.

The point is not only that S. 185 contains a poor formulation of protection for the Federal employee but also that no formulation can be adequate once employees are free to engage in partisan political activity including direct involvement in political campaigns. No drafting technique can overcome the proclivities of human nature.

Once Federal employees are free to engage in partisan political activity, it will only be human nature for them to believe that it would please their politically appointed superior to exercise their new political rights under S. 185 in a manner that pleases the superior. It will only be human nature for employees to try to get an edge on their competition by engaging in the partisan politics of the superior.

It will only be human nature for other employees who had not engaged in the partisan politics of the superior to feel it is necessary to do so to eliminate the edge of their competitors. Since it is only human nature to try to get ahead, employees will engage in political activity pleasing to the political hierarchy.

After two centuries of trial and error, America has come to appreciate the genius of a politically neutral Federal work force responsible to an elected President and his political appointees.

This system allows Government to be both responsive to popular will yet fair and impartial in the administration of our laws. This system rests squarely upon the Hatch Act. It is the reason why a politically neutral work force can function subordinate to political appointees without itself becoming politicized. S. 185 is a serious threat to the delicate balance of his much admired system.

The Hatch Act has served us well. In spite of all the efforts of Presidents through the years and in spite of all the civil service regulations, we never licked the problem of the spoils system until Congress enacted the Hatch Act in 1939. Since then, the Hatch Act has protected the Federal employee, fostered a more efficient and effective work force, and enhanced the confidence of the citizenry in the fairness

of their Government. It has been good for the employee, good for the Government, and good for the public.

Why do we now, in considering S. 185, risk a return to the spoils system? Why do we risk repealing the only remedy that has worked? Why do we risk undermining the merit system?

S. 185 would scuttle the only effective remedy for the spoils system this Nation has ever known even though there has been no clamor for change for the very class supposedly benefiting from the legislation. No governmentwide polls of Government employees have been offered to show their desire for change.

In fact, polls of Federal employees indicate that employees do not favor changes in the fundamental protections provided by the Hatch Act. More than 60 percent of employees surveyed by the Federal Executive Alumni Institute Association oppose changes in the Hatch Act. More than 70 percent of Senior Executive Service employees surveyed by the Senior Executive Association opposed changes.

In a 1989 Merit System Protection Board survey of nearly 16,000 employees, only 32 percent responded favorably to the question of whether they "would like to be able to be more politically active in partisan political activities."

While the Federal employee organizations and the postal unions support change, in contrast to Federal employees as a whole, the weight of other testimony given during hearings held by the committee in the 100th and 101st Congress, and this Congress, stands in opposition to this bill. Common Cause, the American Bar Association, the Federal Bar Association, the National Academy of Public Administration, the Chamber of Commerce, and the American Farm Bureau have all voiced, over time, strong opposition to fundamental changes in the Hatch Act.

This, of course, is illustrated in the chart here which shows that of the senior executive service, 63 percent do not support changes or to amend the Hatch Act. Only 22 percent do. This percentage drops down slightly as you go to the lower GM ratings. Those that are in the 13 to 15 bracket, 59 percent of them oppose amending the Hatch Act; in the case of GS–13 to GS–15, 56 percent. And then GS–12 and below, 52 percent are in opposition to 32 percent favoring. But in every group, the fact is that a majority is opposed to amending the Hatch Act. So it seems strange at this time that we would proceed with this kind of legislation.

In addition, scholars and former Government officials have likewise opposed the bill.

The central question before us is the quality of Government service that the American people should receive and the protection from political pressure that the Federal employee should enjoy.

That is why organizations not normally outspoken on these types of issues have come forward to voice vigorous opposition to this legislation. So why change? Some have cited first amendment concerns with the present law. The American Civil Liberties Union testified that they believe the Hatch Act violates the Constitution. However, on more than one occasion, the Supreme Court has specifically rejected the ACLU argument. Thus, there is no constitution imperative to vote for S. 185. So why change?

Proponents believe that S. 185 answers the administrative problem of how to draw a bright line between permissible and impermissible electioneering. They would permit partisan political activity off duty and prohibit such conduct on duty. Simple, is it not? The problem is, of course, that the bright line between on duty and off duty has little to do with Hatch Act concerns. As the Federal Bar Association made clear in testimony before our committee, the concern is whether expectations, pressure, and coercion are imposed upon the Federal employee and not the time of day the employee engages in partisan political actions. The fact that an employee engages in political conduct off duty does not answer the question whether he has felt pressure on duty, either through subtle expectations or actual coercion.

In upholding the constitutionality of the Hatch Act in United Public Workers, CIO versus Mitchell, the Supreme Court considered the question of off-duty political activity. And the majority held that, "We do not find persuasion in appellant's argument that such activities during free time are not subject to regulation even though admittedly political activities cannot be indulged in during working hours. The influence of political activity by Government employees, if evil in its effects on the service, the employees or people dealing with them, is hardly less so because that activity takes place after hours."

This so-called bright line of on duty and off duty of S. 185 is a mirage. This bright line distinction not only fails as it relates to the coercive pressures upon employees, but also on the grounds that the public will not distinguish between a work force that is partisan by night but appears neutral by day.

Consider the following analogy. Suppose we were at a baseball game and there were 60,000 fans supporting and cheering loudly for the home team. All of a sudden, all of the umpires join in the cheers. Would they be considered impartial? Proponents of S. 185 would argue the umpires would not be able to cheer on the job.

Well, suppose the umpires did not cheer on the job, but afterwards off the job they openly displayed their partisan support for the home team? Even if they called every ball and strike and every out perfectly in the next game, every baseball fan would begin to doubt their impartiality.

Just like the umpires in this example, Federal employees who become actively involved in partisan politics, whether it is holding office in the national, State, or local Republican or Democratic Party organization or campaigning for a particular candidate in a partisan election, would become identified with a partisan call. Few of us would find it appropriate for employees of the Internal Revenue Service to engage in partisan politicking at night and to serve as tax auditors by day. Clearly, this type of activity will fundamentally alter the public's impression of a nonpartisan civil service.

Proponents also argue that this legislation is not a repeal of the Hatch Act but simply a reform. With that I disagree. I would just like to point out why that is not the case.

In the committee report, as it is pointed out, section 9(a) is widely regarded as the heart of the act. And the current law, the current section 9(a), specifically provides "an employee in an executive agency or an individual employed by the government of the District of Columbia may not"—underline those words may not—"take an active part in political management or in political campaigns." That is what the current law says. But what S. 185 would say is that an employee may take an active part in political management or in political management or in political campaigns. In effect, we are cutting out the guts, revoking, changing that part of the law which is regarded as the heart of the act.

The new protections afforded to Federal employees in this legislation are simply redundant of similar protections already provided in the criminal code. Instead, the Senate bill removes from title V the Hatch Act protections afforded civil service employees.

As I said, and am repeating here, section 9(a) of the current law, which the committee report readily acknowledges it widely regarded as part of the Hatch Act, states that an employee may not take a part in political management or in political campaigns. This is identical to civil service rule No. 1, as promulgated by President Roosevelt. S. 185 states that an employee may take an active part in political management or in political campaigns. So it is the very opposite. As I said, it is a virtual repeal of the current law.

In order to understand this clearly, one only has to compare what Federal employees may do now under the Hatch Act with what they may do under S. 185.

What employees may do now include the following: One, register to vote and

vote; two, contribute money to partisan political campaigns; three, express their views in private and in public, though not in a concerted way, to elicit support for a candidate or party; four, attend conventions and rallies, but only as a spectator; five, run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees; six, assist in nonpartisan voter registration drives; seven, campaign for or against political referendum questions; eight, participate as a nonpartisan poll watcher or election judge; nine, wear buttons off duty or subject to various agency restrictions on duty; ten, participate in nonpartisan campaigns.

For what additional activities employees could do under S. 185 off duty: first, he or she could hold office in a political party; two, distribute campaign literature and solicit votes; three, organize and participate in phone banks; four, organize and participate in political meetings; five, publicly endorse candidates and urge others to support them; six, solicit contributions to the PAC of the Federal employee organization to which both the employee and the donor belong.

The underlying principle and vital protections of Civil Service rule No. 1, as codified by the Hatch Act, are cut out by this legislation. By permitting such a wide range of active political participation, it renounces the principle of a neutral nonpolitical Federal work force. And from the Federal employee's perspective, the legislation is oblivious to the expectations, pressures, and coercion that would be born with its passage. It would strike the keystone from the arch of our merit system and would scuttle the only remedy that has worked to vanquish the evils of the spoils system.

Not only does this bill wipe out 54 years of a civil service protected by the Hatch Act, it prevents future Presidents from providing any protection by Executive order that they could if the entire Hatch Act were repealed. This legislation would prevent a future President from issuing an Executive order along the lines issued by Thomas Jefferson in 1801 or Theodore Roosevelt in 1907 to protect Federal employees. It not only repeals good policy, it replaces good policy with bad policy.

In 1801, an Executive order was issued under President Jefferson which stated that the right of a Federal officer to vote "is not meant to be restrained, but that it is expected that he will not"—repeat, will not—"attempt to influence the votes of others nor take any part in the business of electioneering."

Executive orders governing the political activity of Federal personnel were issued throughout the 19th century, including one by President William Henry Harrison in 1841 which stated:

> It is not intended that any officer shall be restrained in the free and proper expression and maintenance of his opinions respecting public measures, or in the exercise to the fullest degree of the constitutional right of suffrage. But persons employed under the Government and paid for their services out of the Public Treasury are not expected to take an active or officious part in attempts to influence the minds or votes of others.

As mentioned previously, in 1907, President Theodore Roosevelt issued an Executive order which prohibited employees from "taking an active part in political management or political campaigns." In 1939, this Executive order was codified into law by a Democratic Congress under the leadership of a Democratic President. The Roosevelt Executive order became the heart of the Hatch Act, the very provision that would be struck by S. 185.

The Honorable Marvin Morse, representing the Federal Bar Association, testified before our committee that S. 185 would limit the authority of future Presidents to provide for such an Executive order. And in this respect, it is important to note that S. 185 is worse than a simple repeal of the Hatch Act.

Proponents of S. 185 have suggested that a President will retain the authority to prohibit certain sensitive employees from active involvement in political management or political campaigns. However, the text of S. 185 itself clearly indicates that agencies will have no such authority. S. 185 provides that an employee may take an active part in political management or in political campaigns. There is absolutely no authority provided for agencies to limit activity beyond the prohibitions already contained in S. 185.

Furthermore, S. 185 declares that:

> It is the policy of Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

To me, this language states clearly and unequivocally that without an express prohibition stated in statute, the President or an agency will lack the necessary authority to provide for additional prohibitions beyond S. 185.

Thus, any administrative law judge, for example, who wishes to take an active part in political campaigns may do so, and no one—the President, a Cabinet secretary, or ethics officer—may restrain such activity.

Therefore, S. 185 is neither reform nor repeal of the Hatch Act, but something worse.

Proponents of S. 185 argue that Federal employees are confused by the regulations and opinions issued under the Hatch Act. The confusion, it is argued, has a chilling effect on currently permissible political activity.

And while this argument has some merit, proponents overstate its case. In upholding the constitutionality of the Hatch Act, in United States Civil Service Commission versus National Association of Letter Carriers, the Court specifically considered the question of whether the act was unconstitutionally vague and overbroad.

In response, the Court held: "It seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, they"—that is the prohibitions—"are set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with without serious sacrifice to the public interest."

In fact, the regulations governing what is considered permissible and impermissible political activities can be found in 5 CFR 733. There are 13 permissible activities and 16 impermissible activities found in these regulations.

And while it is possible for Federal employees to be confused by what is and is not permissible activity, I must reiterate that we do not believe the regulations are as confusing as the proponents purport them to be.

Proponents of reform frequently mention the several thousand administrative decisions of the former Civil Service Commission, which predated the passage of the Hatch Act in 1939, and the effect of these rulings on current interpretation and enforcement of the act.

As the Office of Special Counsel has pointed out, "Some individuals have erroneously referred to these decisions as 'rules' or 'regulations,' creating the false impression that there are some 3,000 rules and regulations currently governing political activity by Federal employees. Such individuals clearly misapprehend the legal and historical significance of those decisions."

(Mr. WELLSTONE assumed the chair.)

Mr. ROTH. Mr. President, as I was saying, as the Office of Special Counsel has pointed out, some individuals have erroneously referred to these decisions as rules or regulations, creating the false impression that there are some 3,000 rules or regulations currently governing political activity by Federal employees. Such individuals clearly misapprehend the legal and historical significance of those decisions.

In addition, I do not understand the logic of the argument that if the implementation of a law is confusing, the law should be repealed. One would certainly hate to see this argument applied to the Bill of Rights, which has more nearly two centuries raised an endless stream of litigation designed to clarify its application. The appropriate response to the argument is to do what is necessary to eliminate the confusion.

Federal appellate court cases in 1988 in the 2d and 11th circuits have further clarified the issue of what is and what

is not permissible political action. The distinction drawn by the courts appears straightforward to us.

The courts held that the Hatch Act's prohibition against taking an "active part in political management or in political campaigns" encompasses only active participation in, on behalf of, or in connection with organized efforts of political parties or partisan committees, clubs, and candidates.

In an effort to clarify the existing regulations in light of these appellate court decisions, the Office of Personnel Management, in consultation with the Office of Special Counsel as well as the Department of Justice, should promulgate new regulations to clarify the restrictions on political activity.

This proposal would satisfy the best arguments the proponents for change without risking the benefits of the Hatch Act for American society.

This legislation strengthens the law, why is it that such a broad range of groups are opposed to changes in the Hatch Act? Public interest groups, such as Common Cause and the National Academy of Public Administration, are extremely concerned about the negative consequences of the bill.

Groups not generally interested in the details of Federal employment, such as the National Taxpayers Union, have expressed opposition to S. 185.

Why is it more than 100 newspapers, the guardians of first amendment rights, have written editorials opposed to this legislation? Why is it that a majority of Federal employees do not favor change in the Hatch Act?

These are not ridiculous extremes of opinion, but the mainstream of American public which is concerned about coercion of Government employees and the nonpartisan administration of Government.

Mr. President, as we debate this measure, I urge my colleagues to think carefully upon the impact this bill will have on the nonpartisan administration of Government. In my opinion, President Clinton, as I said, is the first President of this century who would sign such legislation. Proponents should think carefully about the bill they want to present him.

Witnesses before the committee advocated that certain sensitive employees be exempt from the bill, much in the same way the 1976 bill presented to President Ford contained on exclusion for sensitive employees at the Department of Justice, the Central Intelligence Agency, and the Internal Revenue Service. Should we exempt certain employees or agencies with sensitive positions?

Should we create a protective band around administrative law judges, career senior executive service employees, supervisors, and managers who work directly for political appointees?

Equally important, are we really prepared to overturn more than 100 years of precedent and allow Federal employees to solicit money contributions—a prohibition which existed long before the Hatch Act?

Are we really prepared to allow Federal employees to become campaign managers and party leaders? If so, we must be prepared to deal with the abuse which is sure to follow, along with the public's belief that politics has once again crept into the nonpartisan administration of Government.

If the present Congress and President Clinton want to do away with the protections which have worked so well for so long in removing political pressure from the workings of the civil service and enhancing the public's image of a nonpartisan administration of Government services, then so be it. But it should be made clear that this bill not only overturns 54 years of the Hatch Act, but is a fundamental break from our Nation's history.

Repeal, reform, improvement, upgrade, or whatever it is called, should not prevent future Presidents from protecting employees in the same way as President Jefferson did in 1801 or President Roosevelt did by Executive order in 1907. But, unfortunately, it does.

Mr. President, as we start debate on this measure, I urge my colleagues to listen carefully to the amendments which will be offered. At a time when the public's confidence in government is very low, if not at an all-time nadir, this legislation would politicize our Federal Government.

Mr. President, as I mentioned, there are 106 editorials, 76 of which were written after the House vote, many of which deal with the Senate bill and the Hatch Act changes in general.

I would just like to read a few of these into the RECORD.

From Ohio, the Columbus Dispatch, May 26, 1993:

NO ESCAPE HATCH—CONGRESS SHOULD PRESERVE FEDERAL LAW

For many years, the Hatch Act has stood as a sturdy fence, shielding federal workers from the dangerous in-roads of politics—employees inside the fence, politics outside. * * *

Any tinkering with the current law raises the possibility of undermining public confidence in the well-established nonpartisan execution of federal laws. * * *

If the Hatch shield is lowered, there is grave danger that federal employees will become subject to partisan political pressures as they exercise their considerable powers. * * *

Is it likely that a federal employee can be a fierce partisan at night—campaigning for his boss, perhaps—and then change into a completely nonpartisan employee by day? Of course not. * * *

Simply put, the Hatch Act has been a valuable shield; it should be preserved intact.

From Illinois, the Bloomington Pantagraph, March 1, 1993:

HATCH ACT LIMITS SHOULDN'T BE LIFTED

The Hatch Act's restrictions on the involvement of federal employees in partisan politics have served a useful purpose for more than 50 years.

Civil servants are supposed to serve the public, not political parties. Taxpayers should not have to second guess the motives of government workers carrying out their duties.

The appearance of impropriety can be almost as damaging as misconduct. It can destroy trust in government institutions. * * *

The Hatch Act has worked well. Leave it alone.

From Iowa, the Des Moines Register, March 5, 1993:

DON'T SCRAP THE HATCH ACT—KEEP PARTISAN POLITICS OUT OF FEDERAL CIVIL SERVICE

The proposed gutting of the Hatch Act would allow federal employees to work in political campaigns or to solicit campaign funds in off-duty hours. The public is asked to believe that federal workers can be fierce political partisans at night, then change into completely nonpartisan civil servants by day. Hogwash. * * *

Shield civil servants from political firings but at the same time ask them to refrain from engaging in politics themselves. That's a fair bargain that has both served the public and helped maintain the integrity of federal service.

From Tennessee, Paris Post-Intelligencer, May 24, 1993:

HATCH ACT REPEAL SEEMS UNBELIEVABLE

It seems unbelievable, but we seem about to lose a law which for 54 years has protected federal employees from being pressed into service as political flacks. * * *

Repeal is proposed in the name of free speech, but it would create a climate in which government workers are likely to feel compelled to engage in politics. That is a worse offense against free speech.

From Virginia, the Newport News, Daily Press, February 26, 1993:

THE HATCH ACT—EASING POLITICAL LIMITS ON FEDERAL WORKERS A MISTAKE

The Hatch Act * * * prevents the federal work force from becoming politicized. It limits the political influence of federal employees.

That is as should be, and efforts now under way in Congress to weaken the Hatch Act are misguided. The measure being considered would permit federal workers to participate in politics as long as they did so on their own time and did not try to intimidate coworkers. That's like telling the cat he can play with the canary if he promises not to eat it. * * *

Most federal employees would not abuse their positions if they became involved in politics. Still, the door to such involvement should remain closed. Despite its flaws, the system works, and easing Hatch Act restrictions would not be in the best interests of the nation.

From Florida, the Daytona Beach News Journal, March 5, 1993:

DON'T MESS WITH THE HATCH ACT

The Hatch Act * * * has done its job of shielding federal workers from undue political pressures. It has preserved a politically neutral civil service. * * *

By opening the door to broader political action, the bill creates the potential for widespread abuse. * * *

The protections of the Hatch Act should not be weakened. In this time of ever-more-expensive political campaigns, we may expect that federal workers would be subjected

to all manner of new fund-raising pressure, both subtle and overt. Now, even more than in the past, the Hatch Act needs to be kept strong. The Senate should take a much harder look at this proposal.

Mr. President, I ask unanimous consent that these six editorials be printed in the RECORD in full.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Columbus (OH) Dispatch, May 26, 1993]

NO ESCAPE HATCH—CONGRESS SHOULD PRESERVE FEDERAL LAW

For many years, the Hatch Act has stood as a sturdy fence, shielding federal workers from the dangerous inroads of politics—employees inside the fence, politics outside.

Every so often those who would tear down this fence marshal their forces in Congress. In 1976, Congress approved weakening the law, but fortunately then-President Ford vetoed the bill. Now there is in Congress another strong run at the Hatch Act. It should be stopped.

Why is this law so necessary? David Y. Denholm of the Public Service Research Council put the case well when he said:

"In addition to protecting the individual employee from political coercion, the Hatch Act serves to protect the general public from political intimidation by a partisan bureaucracy. The citizens of this nation have a right to federal programs and regulations whose administration and enforcement are free of political considerations or favoritism."

If the current legislation was passed, federal employees would be allowed to take part in political activity; indeed, in some cases they might be forced to do so. Soon, those in civil service would get the idea that better assignment, promotions and bonuses depended, at least in part, on partisan political activity.

Any tinkering with the current law raises the possibility of undermining public confidence in the well-established nonpartisan execution of federal laws. And it would tend to create distrust between political appointees and career executives, particularly when elections bring about a change of party. If the Hatch shield is lowered, there is grave danger that federal employees will become subject to partisan political pressures as they exercise their considerable powers.

The many millions of people who are affected by actions of federal employees should feel there are no outside considerations when important decisions are made. Is it likely that a federal employee can be a fierce partisan at night—campaigning for his boss, perhaps—and then change into a completely nonpartisan employee by day? Of course not.

Opponents of the Hatch Act argue that federal employees are stripped of their First Amendment rights. Yes, it is true that their political activity is somewhat restricted. But appeals to the courts that the law is unconstitutional have been fruitless.

When a challenge to the Hatch Act came before the Supreme Court, Justice Byron White upheld the law when he wrote: "Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees. Such a decision on our part would do no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country * * * that federal service should depend on meritorious performance rather than political service."

Simply put, the Hatch Act has been a valuable shield; it should be preserved intact.

[From the Bloomington (IL) Pantagraph, Mar. 1, 1993]

HATCH ACT LIMITS SHOULDN'T BE LIFTED

House Democrats were thwarted in their attempt to push through modifications of the Hatch Act with little debate or opportunity to amend the proposal.

However, the issue is expected to arise again.

The Hatch Act's restrictions on the involvement of federal employees in partisan politics have served a useful purpose for more than 50 years. The Hatch Act has helped keep politics out of federal agencies.

Civil servants are supposed to serve the public, not political parties. Taxpayers should not have to second guess the motives of government workers carrying out their duties.

The appearance of impropriety can be almost as damaging as misconduct. It can destroy trust in government institutions.

Yes, the prohibitions on running for office and actively working in political campaigns do somewhat limit the rights of federal employees. However, that must be balanced with the rights of citizens to have impartial government agencies.

In addition, the Hatch Act protects federal workers from being forced into supporting a partisan political cause.

Proposed revisions in the Hatch Act would prohibit federal employees from coercing other employees to make donations or engage in political activity. However, subtle hints and implied favoritism would be difficult to police.

The heavy-handed manner in which House Democrats tried to rush through these changes should sound alarm bells. If this is such a good idea, then why was the Democratic leadership reluctant to engage in full, open debate and allow consideration of alternatives?

The Hatch Act has worked well. Leave it alone.

[From the Des Moines Register, Mar. 5, 1993]

DON'T SCRAP THE HATCH ACT

One of the messages of last fall's election was that people are fed up with insider privilege. They're tired of a system that seems to work more for the benefit of the servants than of those they are supposed to serve.

But if Congress got the message, you sure couldn't tell it by Wednesday's vote in the House. The vote was to gut the Hatch Act, the law that restricts political activity by federal employees. The effect will be to tilt the system a little more in favor of the insiders—in this case federal employees.

The vote is the payoff from years of lobbying by federal-employee unions. The Senate is expected to follow suit, and President Clinton is expected to sign the change into law. When that happens, a long-standing bargain between federal employees and the public will have been shattered.

The bargain was this: The public granted to federal employees more protection than ordinary workers get. They can't be fired arbitrarily, and they enjoy other protections generally not available in private-sector employment.

In exchange, the federal civil service is expected to perform its job with nonpartisan professionalism. To avoid any hint of politics, federal employees are forbidden to run for office, to take active part in campaigns, to hold office in political parties, or solicit campaign contributions.

Those are reasonable restrictions. The public has a right to expect that federal law be administered with absolute nonpartisan fairness. The proposed gutting of the Hatch Act would allow federal employees to work in political campaigns or to solicit campaign funds in off-duty hours. The public is asked to believe that federal workers can be fierce political partisans at night, then change into completely nonpartisan civil servants by day. Hogwash.

The unions seeking to gut the Hatch Act argue that employees are denied their "right" to be active in politics. No, the employees voluntarily agreed to give up partisan politics, when they accepted government employment. In exchange, they were given the protections of the civil-service system.

Now, the unions want it both ways. They want to be able to take part in politics, and thus gain the rewards that can come from giving campaign help to the politicians who set their salaries and vote on their benefits. But they want to keep their civil-service protections, too.

The public shouldn't stand for that one-sided deal. If federal employees want the benefits that they can gain from taking part in politics, they ought to be willing to accept the liabilities too. They should surrender their civil-service protection and go back to the old spoils system.

Better yet, everyone should stick with the original deal: Shield civil servants form political firings but at the same time ask them to refrain from engaging in politics themselves. That's a fair bargain that has both served the public and helped maintain the integrity of federal service.

[From the Paris (TN) Post-Intelligencer, May 24, 1993]

HATCH ACT REPEAL SEEMS UNBELIEVABLE

It seems unbelievable, but we seem about to lose a law which for 54 years has protected federal employees from being pressed into service as political flacks.

The House has already voted its repeal, the Senate seems poised to do so and President Bill Clinton says he will sign it.

Only if 41 senators can band together to sustain a filibuster, can the law be saved?

The law is the Hatch Act, passed in 1939 to free federal employees from onerous political pressure and to free taxpayers from having their employees used as re-election campaign workers for whoever is in office.

Repeal is being touted as a "reform" measure. Proponents say federal employees are being denied their political rights as citizens. Examine the law and judge for yourself:

The Hatch Act bars most federal employees from active participation in political campaigns, running for office or soliciting political donations from fellow workers or the public. The employees are still free to contribute to any political causes and candidates, belong to political parties and to work in off-duty hours for non-partisan causes.

Congress passed the Hatch Act to protect employees after learning that New Deal program managers were threatening civil servants with loss of their jobs if they did not campaign for Democratic politicians.

The chief sponsor, New Mexico Sen. Carl Hatch, was a Democrat. His sponsorship followed a bipartisan tradition dating to the earliest days of the republic. President Theodore Roosevelt, for instance, in 1907 declared, "Persons . . . in the competitive classified service, while retaining the right to vote as they please and to express privately their

opinions on all political subjects, shall take no part in political management or in political campaigns."

The Supreme Court three times has ruled that the act's restrictions on federal employee political activity are constitutional.

Common Cause, the citizen lobby which usually takes a pronounced liberal view of issues, has declared that Hatch Act repeal "opens the door to implicit coercion and abandons the fundamental concept of an unpoliticized civil service."

Repeal is proposed in the name of free speech, but it would create a climate in which government workers are likely to feel compelled to engage in politics. That is a worse offense against free speech.

How would you like to be asked for a political contribution by a federal employee who has authority in some matter in which you were seeking government approval?

[From the Newport News (VA) Daily Press, Feb. 28, 1993]

THE HATCH ACT: EASING POLITICAL LIMITS ON FEDERAL WORKERS A MISTAKE

People can choose whether to be federal employees. And if they decide to accept such employment, they should be willing to accept the limitations imposed by the Hatch Act.

The Hatch Act, passed in 1939, prevents the federal work force from becoming politicized. It limits the political influence of federal employees.

That is as it should be, and efforts now under way in Congress to weaken the Hatch Act are misguided. The measure being considered would permit federal workers to participate in politics as long as they did so on their own time and did not try to intimidate co-workers. That's like telling the cat he can play with the canary if he promises not to eat it.

Americans are fed up with the federal bureaucracy. They want to see it trimmed and made more efficient and responsive. That won't be accomplished by giving federal employees more power, but more power they will get if restrictions on political activities are lifted.

America's civil service system isn't perfect, and there is some degree of unfairness in the Hatch Act. Most federal employees would not abuse their positions if they became involved in politics. Still, the door to such involvement should remain closed. Despite its flaws, the system works, and easing Hatch Act restrictions would not be in the best interests of the nation.

[From the Daytona Beach (FL) News-Journal, Mar. 5, 1993]

DON'T MESS WITH HATCH ACT

The U.S. House of Representatives voted overwhelmingly Wednesday to weaken a law that has shielded federal workers from political pressures for more than half a century.

The Hatch Act was enacted in 1939 to protect employees from being coerced into working for political campaigns or shaken down for contributions. Although it has been a source of frustration to federal employee's unions and to federal workers who wish to get involved in political issues, the law has done its job of shielding federal workers from undue political pressures. It has preserved a politically neutral civil service.

The changes proposed in the House-passed bill would allow federal employees to run for nonpartisan political office—county council, for example—manage political campaigns and collect political donations.

Supporters of the bill say it also would toughen penalties for misuse of authority and improper soliciting of political contributions. And no political work could be done on the job.

Even so, by opening the door to broader political action, the bill creates the potential for widespread abuse.

Too many private employees are pressured into contributing to PACs. Now federal employees will feel that pressure, too, and a good deal more since their livelihoods usually are affected more directly by the decisions of those holding political office.

It is all too easy to see how an employee would feel coerced by his supervisor's political activities even if no overt threat is made or donation demanded.

Too often the off-the-job political activities allowed under these changes could find their way into the workplace. The line between the two is often more apparent than real.

The protections of the Hatch Act should not be weakened. In this time of ever-more-expensive political campaigns, we may expect that federal workers would be subjected to all manner of new fund-raising pressure, both subtle and overt. Now, even more than in the past, the Hatch Act needs to be kept strong. The Senate should take a much harder look at this proposal.

Mr. ROTH. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, it is almost difficult to know where to start to respond, because the assumptions made on many of the things that the distinguished Senator from Delaware has based his statement on are obviously based on such major changes in the Hatch Act that they could only come from consideration of what the House has passed.

As I said a little while ago in detailing the differences between the two bills, these are two very, very different pieces of legislation.

I do not disagree with the editorials that say that they disagree with the House bill that would permit solicitation of the general public for money for PAC's. I am not opposed to that. And allowing employees to run for partisan offices, I disagree with that.

Basically, the reference back to 1976, when President Ford vetoed the bill, if you look back at the provisions of that bill that he vetoed, it was basically what the House bill says today, which we do not agree with. That is throwing up a red herring, if I ever heard of one.

The Columbus Dispatch in my home State of Ohio was just referred to here a moment ago. In it, it referenced that, "In 1976, Congress approved weakening the law, but fortunately then-President Ford vetoed the bill." That bill was basically the Hatch Act, the House bill of today.

Now, the editorial stated if Hatch Act reform is passed "those in civil service would get the idea that better assignment, promotions and bonuses depended, at least in part, on partisan political activity." They felt they could maybe be forced into that by "political intimidation by a partisan bureaucracy."

Now, that is a mighty big assumption, because that is not what is in S. 185. We provide tougher penalties for such coercion.

So they can throw up all kinds of "what ifs" in the Columbus Dispatch and some of the other papers quoted here, but they are not quotes from what this bill actually provides. This is not the House bill.

This is not the House bill. One of the main reasons the Hatch Act was passed in 1939 was to help protect employees hired on a patronage basis from improper political pressure. It was originally drafted as an amendment to the appropriations bill for WPA, Work Projects Administration.

We have a dramatically different situation. We have established civil service, competitive merit basis, we have different laws on the book, the Merit System Protection Board, among them, to protect Federal employees. This legislation does not, by any stretch of the imagination, unless you include the House bill, wipe out—the term that was used here—any civil service personnel protections. Political coercion is and would remain against the law, and with this bill would have tougher penalties than ever before for the Hatch Act. It would be against the law: 3 years incarceration in a prison, a $5,000 fine, and lose your job if you coerce anyone.

The Columbus Dispatch editorial cites a 1976 veto of Hatch Act reform legislation by President Ford, as just quoted here. This legislation is different from the bill vetoed by President Ford. The 1976 bill would have allowed Federal employees to solicit political contributions from the general public. It would allow them to run for partisan political office. That is not provided for in S. 185. I disagree with those provisions also.

This legislation keeps current law prohibitions on soliciting from the public and running for partisan elective office. The Dispatch editorial assumes otherwise, I gather. The editorial alleges that this legislation might create employee interest groups inside the Government that might sabotage the will of the American people.

Federal employees are not political eunuchs. They have their own political views today and they are obligated to help carry out the legal policies of the administration, regardless of the employee's political proclivities.

In any case, even under current law, Federal employees can identify themselves now with a partisan cause or candidate. They can do it with a yard sign, that is legal; they can do it with a bumper sticker, that is legal; they can give a check up to $1,000.

The New York Times editorial quoted a minute ago said if we pass this, my

goodness, it might be awful because people might be pushed into making a monetary contribution. They can give $1,000 right now. They are acting as though something awful is going to happen here that they are going to be able to make a contribution. Yet the law, for a long time, said anybody, including civil servants, can give to a Federal candidate of their choice $1,000. That is raising a red herring if I ever heard of one. That was in the New York Times.

Finally, the Columbus Dispatch editorial seems to suggest there is no constitutional imperative to vote for Hatch Act reform. In 1947, when the Supreme Court first considered the Hatch Act law, its opinion read:

This Court must balance the extent of guarantees of freedom against a congressional enactment to protect a democratic society against a supposed evil of political partisanship.

That is in *United Public Workers* v. *Mitchell*, 330 United States Code 75, 96, 1947. I would argue it is the job of this Congress to balance constitutional rights against this supposed evil.

I want to protect against evil in Government as much as anybody in the U.S. Senate. But I do not like it when these things are brought up, when obviously people are not aware, and some of the editorial writers are not aware of the differences between the House bill and the Senate bill. The Senate bill toughens up on the job, gives more protection for workers on the job, gives them a little more freedom off the job, but with very careful controls still in place.

So, Mr. President, the reference to editorials is one that I think should not carry much weight here because I do not think they are comparing the two bills properly. They are mainly concentrating their fire on the House bill and I, too, disagree with major parts of the House bill.

Mr. President, I ask unanimous consent that the name of Senator MOYNIHAN be added as a cosponsor to S. 185.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, referring to some of the other arguments that have been made in the last hour or so, the legislation does not wipe out any civil service personnel protections. If you look at this in any fair way, the legislation strengthens current penalties for violations of the prohibitions against coercion.

As I mentioned before, it was brought up that the Hatch Act reform was vetoed by President Ford. Obviously, Presidents see danger in reform is the charge. But this legislation is very different from the Hatch Act reform bill that was vetoed by President Ford. That 1976 bill would have allowed Federal employees to solicit political contributions from the general public and to run for partisan elective office. That is not in this legislation. This legislation keeps current law prohibitions on soliciting from the public and running for partisan elective office.

Congressional staff contributions were brought up stating it could be argued section 606 of title 18 which forbids congressional staff from making campaign contributions to their respective Members robs them of their political rights.

My reasons would be that the opponents attempt to analyze the situation of Federal employees with that of Senate staffers who are not permitted to make a contribution to their respective Senators. They say it could be argued this robs Senate staffers of the right to contribute to Senate campaigns. But I just think that analogy is wrong because S. 185 maintains current law which makes it illegal for a superior to accept a check from a subordinate employee and illegal for a superior to coerce a subordinate employee into writing a check. S. 185 is consistent with current Senate practice.

Mr. President, the charge has been made that the Hatch Act is not vague; that there are 13 permissible activities, 16 impermissible activities within the regs, not 3,000. The Supreme Court did not overturn the Hatch Act when the National Association of Letter Carriers case argued that the Hatch Act was unconstitutionally vague and overboard. That is the charge.

I respond: While opponents of Hatch Act reform reject the argument that current Hatch Act law is vague—others differ—an evaluation of the act was conducted in 1966 by the Bipartisan Commission on Political Activity of Government Personnel. That bipartisan commission was created by the Congress and charged with extensively studying the question of Hatch Act reform. The commission report indicated that the act needed to be clarified. It concluded that the act was confusing, was ambiguous, restrictive and negative in character. So we just disagree on that one.

Mr. President, we are getting clarification now as to what the agreement was between leadership last night, and we should know what amendments will be laid down shortly.

Until that time, I will proceed with some of my response to the distinguished floor manager on the other side of the aisle. He mentioned several times in the debate about the groups that are against S. 185. I do not need to take the time, I do not believe, to read all of these. They run over onto the second page here, so I guess 28 lines. There are probably 30 or 40, maybe, different groups here.

The first group that supports S. 185, support for it comes from the Equal Judicial Remedies Coalition. Part of that coalition, members of that coalition, are such diverse groups as the American Collectors Association; the Commercial Law League of America; the National Federation of Independent Businesses, or FIB; the U.S. Chamber of Commerce; the American Bankers Association; the National Independent Automobile Dealers Association; the National Retail Federation; the Savings & Community Bankers of America; the U.S. Business and Industrial Council; National Association of Federal Credit Unions; National Apartment Association; Independent Sewing Machine Dealers' Association; Coalition of Higher Education Assistance Organizations; National Small Business United; Society of Industrial & Office Realtors; International Credit Association; Automotive Service Industry Association; Associated Credit Bureau; American Guild of Patient Account Management; National Association of Texaco Wholesalers; National Association of Realtors; and Citizens Against Government Waste.

I will not read all of these.

I ask unanimous consent that this total list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS THAT SUPPORT S. 185

The Equal Judicial Remedies Coalition including: American Collectors Association, Inc., Commercial Law League of America, National Federation of Independent Businesses, United States Chamber of Commerce, American Bankers Association, National Independent Automobile Dealers Association, National Retail Federation, Savings & Community Bankers of America, U.S. Business and Industrial Council, National Association of Federal Credit Unions, National Apartment Association, Independent Sewing Machine Dealers' Association, Coalition of Higher Education Assistance Organizations, National Small Business United, Society of Industrial & Office Realtors, International Credit Association, Automative Service Industry Association, Associated Credit Bureaus, American Guild of Patient Account Management, National Association of Texaco Wholesalers, National Association of Realtors, Citizens Against Government Waste

National Association of Letter Carriers, AFL–CIO

National Federation of Federal Employees

Federally Employed Women

International Association of Fire Fighters

The National Treasury Employee Union

American Federation of Government Employees, AFL–CIO

American Federation of State, County and Municipal Employees

American Foreign Service Association

Americn Civil Liberties Union

American Postal Workers Union

American Psychiatric Association

Epsilon Sigma Phi

Federal Executive and Professional Association

Federal Managers Association

Graphic Communications International Union

International Federation of Professional and Technical Engineers

International Union of Operating Engineers

Military Sea Transport Union SIU

National Association of Air Traffic Specialists

National Association of ASCS County Office Employees
National Association of Federal Veterinarians
National Association of Postal Supervisors
National Association of Postmasters of the United States
National Association of Retired Federal Employees
National Labor Relations Board Union
National League of Postmasters of the United States
National Postal Mail Handlers Union/LIUNA
National Rural Letter Carriers Association
Organization of Professional Employees of the Department of Agriculture
Overseas Education Association/NEA
Public Employee Department (AFL-CIO)
Service Employees International Union.

Mr. GLENN. Mr. President, it is quite an impressive list. As I indicated, the group that I read from there is the Equal Judicial Remedies Coalition, members of that group that support the changes made by S. 185.

Mr. ROTH. Mr. President, will the distinguished chairman yield for a question?

Mr. GLENN. I will.

Mr. ROTH. Are those endorsements of the garnishment provisions, or of the whole bill?

Mr. GLENN. I believe that is one of their interests, yes. But I am sure they are interested in the whole bill, also.

Mr. ROTH. But many of them, as I understand it, are only for the purpose of endorsing the garnishment provisions.

Mr. GLENN. You do not just endorse the garnishment provisions. That is part of the total of S. 185. You do not pass the garnishment as a separate act, as the distinguished Senator is well aware.

I indicate to my distinguished colleague from Delaware that they support passage. It is my understanding that the Equal Judicial Remedies Coalition, some of the members that I read, supports passage of S. 185 because it contains the wage garnishment provisions.

Mr. ROTH. May I ask the distinguished chairman how many of those organizations supported the legislation prior to the garnishment provision?

Mr. GLENN. I am not aware. I have no head count on that.

Mr. ROTH. Did they endorse it 2 years ago?

Mr. GLENN. I have not made a survey of who did what back then. I will be glad to try to do that if it is important.

Mr. President, it has been charged that the Hatch Act is vague, that there are 13 permissible activities, 16 impermissible within the regulations, not 3,000.

The Supreme Court did not overturn the Hatch Act when the National Association of Letter Carriers argued that the Hatch Act was unconstitutionally vague and overbroad. That is the charge. I say that, while opponents of Hatch Act reform reject the argument that current Hatch Act law is vague, others differ. Evaluation of the act was conducted in 1986 and performed by a bipartisan commission created by the Congress and charged with extensively studying the question of Hatch Act reform. The commission report indicated that the act needed to be clarified.

That is all we do with this S. 185. We clarify the act; we do not repeal it. We modify it to make it more workable. It is a better act because of this. It is not gutted or repealed. It is a reform that is good. It prohibits even those abuses of the Hatch Act that occur in the workplace now. It stops them unequivocally, in place—no political activity on the job. I am surprised that there is not a rush to support that instead of objection to it.

The other part is that we give a little more freedom off the job, but still under very close control, so that if there is any coercion, any coercion whatsoever, the penalty can be as high as 3 years in jail, a $5,000 fine, and you can lose your job if there is coercion. That is pretty tough.

So I think the likelihood of there being any coercion off the job is not right. I add that what we are talking about are things like running for the school board. Right now, they cannot do that. They are not permitted to do that. If you are living in a community and you have an interest in your kids' education and you are very concerned about it and you are concerned enough that you want to get on the school board and do something about it, you just want to be on the board and decide some of these things to get a better education for your children, can you run? No. You are prohibited. Why should that be? I think you should be able to run.

Let me get into the area of the senior executive service employees survey done some years ago. Reform opponents argue that more than 70 percent of senior executive service employees surveyed by the Senior Executives Association opposed changes in the Hatch Act. As I pointed out at the committee's April 30 hearing, that survey, according to the SEA itself, was not conclusive. The SEA survey said this:

> It received the lowest response rate ever to any survey we have done, only 22 percent. The survey results were very disappointing to the association because they produced no definitive position from the membership. In addition to the low response rate, the responses themselves were very, very ambivalent and with a substantial number of questions not answered.

I ask unanimous consent that the Senior Executives Association letters to me of April 28, 1993, and November 28, 1989, be printed in the RECORD, because it gives more detail on the analysis of that survey.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENIOR EXECUTIVES ASSOCIATION,
Washington, DC, April 28, 1993.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We understand that the subject of the Senior Executives Association's survey of its members in 1987 concerning changes to the Hatch Act came up at the hearing yesterday. We are writing to again clarify the purpose of the survey and its results, and SEA's current position.

1. The survey was done in 1987, approximately six years ago.

2. SEA received the lowest response rate ever to any survey we have done (22%).

3. The survey results were very disappointing to the Association, because they produced no definitive position from the membership.

4. In addition to the low response rate, the responses themselves were very ambivalent, with a substantial number of the questions not answered.

5. Only approximately half of those surveyed believed that the Association should oppose the Hatch Act Amendments, and the remainder did not specify one way or the other.

6. The Association itself has not taken a position on the Hatch Act changes proposed because of the ambivalence of its membership when surveyed in 1987.

7. The turnover in Association membership is approximately 10% per year. In addition, Association membership has grown from approximately 2200 in 1987 to nearly 3200 today. This would indicate that 60%–90% of the membership in the Association has changed since the survey was taken.

8. The Association concluded in our 1989 letter to you (see attached) that the survey was not valid for the purpose of the Association taking a position on the proposed Amendments to the Hatch Act. It has even less validity today, nearly four years later.

9. The Association takes no position on the proposed Amendments to the Hatch Act now being considered by your Committee.

We hope this will clarify the Association's position on this matter for your Committee. Thank you.

Sincerely,

G. JERRY SHAW,
General Counsel.

SENIOR EXECUTIVES ASSOCIATION,
Washington, DC, November 28, 1989.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of November 8, 1989, we are pleased to provide you with a clarification of the survey done by the Senior Executives Association in 1987.

During calendar year 1987, we had received a number of inquiries from our members about what the Association's position was on the proposed amendments to the Hatch Act being considered by the House of Representatives. Many of those inquiring had strong views either pro or con on the proposed amendments. In order to determine the overall position of the membership, the Board of Directors of SEA decided that a member survey would be the most appropriate vehicle. On October 27, 1987, we mailed to our membership of approximately 2200, a written survey specifically addressing the proposed Hatch Act amendments, and asking for the members' views. We asked that the survey be

returned to SEA within 30 days. After six weeks, we tabulated the survey results.

From the standpoint of the Association, the survey results were very disappointing. We received a total of 480 responses (approximately 22% response rate) which was the least number ever received by the Association in response to a written survey. In the past, our response rates had always exceeded 50%. In addition, we felt that the responses were very ambivalent. While 356 (74%) of those responding opposed the Hatch Act amendments described in the survey, only 251 (52%) believed that the Association should oppose the amendments. To the question "Should SEA take no position on the bill?", 223 (46%) of those responding did not answer this question.

After considering the matter carefully, the Board of Directors of SEA decided that they should take no position on the proposed Hatch Act amendments, since the response rate was so low (22%), since those responding who recommended that SEA oppose the legislation comprised only 11% of the membership, and since it was so difficult to communicate to our members and to the remainder of the SES population the many alternatives being considered in the legislation.

As a result, the Association has never adopted an official position on the proposed Hatch Act changes. We have no current plans to take any position on this proposed legislation in the near future.

Attached is a copy of the survey results for your information. We appreciate the opportunity to clarify this matter for you and for the Committee.

Sincerely,

G. JERRY SHAW,
General Counsel.

Mr. GLENN. Mr. President, according to the Merit System Protection Board survey of 16,000 employees, only 30 percent responded favorably to the question of whether "I would like to be able legally to be more active in partisan political activities." The charge is, obviously, Federal employees are not shackled by the Hatch Act. I have never argued that the vast majority of Federal and postal employees would jump actively into partisan politics no matter what happened. I assume these employees would probably be representative of the general population. Some people want to be involved and others do not.

The actual MSPS results are as follows, and the statement was: "I would like to be able legally to be more active in partisan political activities." Of the people responding, those who strongly agreed was 13 percent; agree, 19 percent; neither agree nor disagree, 41 percent; disagree, 19 percent; strongly disagree, 8 percent.

I do not know how you prove anything much one way or the other with that, because those who strongly agree with it is about 32 percent. Those who disagree strongly, about 27 percent, and those who do not have any feel one way or the other is about 41 percent. I submit that is probably not too far off the general population's attitude in this country. I do not think you improve anything with that one.

Mr. President, while we determine what the procedure is going to be here this evening, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I want to briefly respond to some of the comments of the chairman. It seems to me that his remarks fail to understand that the protections of the Hatch Act include the limits placed on active partisan political participation by Federal employees. These limits protect employees from subtle pressures to become involved in partisan causes. This essential aspect of the Hatch Act was enacted in 1939 to protect Federal employees, not oppress them.

While the Senate bill contains some prohibitions on political activity that the 1976 bill did not, the thrust and intent of both the 1976 bill and S. 185 is to allow employees to be actively involved in partisan politics. The House bill, H.R. 20, would allow solicitation of the general public and running for partisan elective office at the local level. The administration has testified that it will support whatever bill is agreed to in conference.

The analogy to Senate staffers who are prohibited under current law from contributing to their respective Senators serves to illustrate that placing a limit on an individual's ability to perform some act is not the equivalent of limiting some fundamental right. In fact, the prohibition is put in place to protect employees by preventing inferred expectations and subtle pressures which will develop if such activity is allowed.

The New York Times editorial is anything but confusing.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 21, 1990]

DON'T DESTROY THE HATCH ACT

President Bush was right to veto legislation easing Hatch Act restrictions on political activity by Federal employees. Now that the House has overridden his veto, a showdown looms in the Senate. The Senate would be well advised to uphold the veto and then consider a more modest revision of the act, preserving its valid protections against political abuse.

The act, passed in 1939 to forestall political exploitation of the expanding Federal work force, prohibits Government workers from "active" participation in partisan campaigns. Critics tend to exaggerate the extent to which the law is stifling, just as supporters overstate its benefits. Even "Hatched" employees remain free to vote, contribute money to candidates and volunteer in their off hours in non-partisan political activities.

The measure Mr. Bush vetoed would, like the Hatch Act, prohibit Federal employees from running for political office and soliciting public funds. However, it would lift other important restrictions on off-duty political activity. Civil servants would be free to serve as campaign and party officials and run as delegates to party conventions. More troubling, employees would no longer be barred from soliciting co-workers for contributions to the political action committees of the various Federal employee and postal unions.

Senator John Glenn, who supports the Hatch Act overhaul, says the bill offers sufficient protection against political coercion. But that ignores reality. Mr. Bush rightly feared that without the Hatch Act excuse, Federal employees, including tax auditors and prosecutors, would inevitably confront subtle pressures to contribute money and time to partisan causes.

Proponents of reform argue that the present curbs on partisan activity, though upheld by the Supreme Court, abridge free speech. But creating a climate in which government employees are likely to feel compelled to engage in politics also offends free speech.

Even so, there's widespread agreement that the Hatch Act is unduly restrictive and needlessly complex. Surely it's possible for Congress to devise a bill that simplifies the act while preserving its sensible protections against politicizing the Federal work force.

Mr. ROTH. In three cases, the Supreme Court has upheld the constitutionality of the Hatch Act. Thus, there is no constitutional imperative to vote for S. 185.

The survey by the Senior Executive Association was presented to the Committee on Governmental Affairs during consideration of this matter in the 100th Congress. It is printed in Senate Hearing 100–662. In a letter to the committee at the time, the president of the SEA wrote:

The Board of Directors felt that member input was critical with regard to the Hatch Act since strong arguments have been put forth for and against revision.

There was no mention whatsoever during the 100th Congress of the caveats which have been expressed by SEA.

Finally, the cite of a Merit System Protection Board survey in which less than one-third of Federal employees surveyed responded favorably to the question of whether they "would like to be able to be legally more active in partisan political activities" demonstrates that there is no government-wide support for the changes this bill is advocating.

We just received word that the Equal Judicial Remedies Coalition, the ones mentioned by the distinguished Senator, only supports garnishment and has not taken a position on the Hatch Act legislation itself.

AMENDMENT NO. 563

(Purpose: To clarify the penalties for a violation of the Act)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 563.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, strike lines 2 through 10 and insert:

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

Mr. ROTH. Mr. President, this amendment retains a provision in current law that an employee can be dismissed from his job for the first violation of the Hatch Act. Such action could only be taken after the Merit Systems Protection Board finds that a violation has taken place after a full, independent proceeding.

Under current law, the penalty for the first violation of the Hatch Act is a minimum of 30 days suspension and a maximum of dismissal. As amended on the Senate floor in the 101st Congress, the bill mandates that upon the second violation, the employee be dismissed. In addition, the legislation provides that an employee can remain in his position until all of his appeals are fully exhausted.

Mr. President, this amendment would clarify that an employee can be dismissed after one violation, as is the case under current law. An employee who is found by the Merit Systems Protection Board to have violated the law can appeal this decision. However, under current law, the burden is on the employee. If the employee is dismissed, he must gain an order from the Federal courts to remain in his employment.

The bill as it now reads would allow the employee to remain in his or her job until "all available appeals are final." This amendment would provide that the current penalty provision would continue to exist.

This amendment is also appropriate considering the type of violations which might occur if S. 185 is enacted. Under the bill, employees are expressly permitted to actively engage in political campaigns. Thus, it is less likely that a Hatch Act violation concerning an employee's active participation will occur. Violations remaining under S. 185 involve either coercion or those activities which are expressly prohibited by the bill. Any offender should not be given two bites at the apple, when even today, offenders can be dismissed for what would be considered one, lesser violation.

It should be noted that within the past several years, Federal and State agencies have referred three major patronage matters to the Office of Special Counsel for administrative enforcement under the Hatch Act. Based upon these referrals, the special counsel filed charges against 25 individuals. Ten of these individuals were found by the Merit System Protection Board to have been involved in schemes to coerce political activity from their subordinates. The remaining 15 are awaiting trial on similar charges.

In some of these cases, extensive criminal investigations failed to produce sufficient evidence to support criminal charges in these cases—mainly because coercive activity is inherently difficult to prosecute at the criminal level which requires a beyond a reasonable doubt burden of proof. As mentioned, these matters involved superior political appointees soliciting political contributions in the form of cash, personal political services, dinner tickets and the like, from clerks and administrative personnel.

In two of these cases the Office of Special Counsel succeeded in obtaining meaningful penalties including debarment from future public employment against the director of the Akron Municipal Housing Authority and two of her subordinates.

In the other case, the Office of Special Counsel was successful in seeking similar penalties against several political and senior supervisory employees of the Niagara Frontier Transportation Authority for doing much the same thing. In both these instances, the special counsel has been successful in obtaining administrative sanctions against plainly unlawful behavior largely because the Hatch Act is on the books, and the evidentiary requirements of this administrative statute are far less demanding than those applicable to criminal proceeding under statutes such as title 18.

In March, the Office of Special Counsel filed a complaint with the Merit Systems Protection Board charging the Commissioner of the Tennessee Public Service Commission, his executive assistant, and 13 officers of the Motor Carrier Safety Division with violating the Hatch Act.

The Office of Special Counsel charged these employees with coercively soliciting subordinate employees for contributions of money and labor in support of the Commissioner's campaign. Mr. President, I am not making any judgment with respect to this case. These individuals are due their full due process rights before the Merit System Protection Board.

But Mr. President, the prior two cases mentioned clearly demonstrate that political coercion does exit. If the Hatch Act is violated, penalties must be imposed. This amendment simply makes clear that the penalties should not be changed from current law, and breaking the law even once can result in a dismissal from employment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

ORDER OF PROCEDURE

Mr. GLENN. Mr. President, I ask unanimous consent that no amendments be in order to the pending Roth amendment when the Senate resumes consideration of S. 185 at 10:30 a.m., Wednesday, July 14; and that, without intervening action or debate, the Senate then vote on or in relation to the Roth amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, when that vote occurs tomorrow morning after we come into session, I ask that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2491. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2518. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2491. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes, to the Committee on Appropriations.

H.R. 2518. An act making appropriations for the Departments of Labor, Health and Human Services, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–993. A communication from the President of the United States, transmitting a report, consistent with the War Powers Act, relative to the deployment of a U.S. peacekeeping contingent to Macedonia; to the Committee on Foreign Relations.

EC–994. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Environment and Public Works, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–995. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of a revised deferral; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–996. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry and to the Committee on Foreign Relations.

EC–997. A communication from the Acting General Sales Manager of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report relative to the amending of a determination; to the Committee on Agriculture, Nutrition and Forestry.

EC–998. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the obligation of funds in the chemical/biological defense programs during fiscal year 1992; to the Committee on Armed Services.

EC–999. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report entitled "Extraordinary Contractual Actions to Facilitate the National Defense;" to the Committee on Armed Services.

EC–1000. A communication from the Under Secretary of Defense for Acquisition, transmitting, pursuant to law, a certification of certain defense acquisition programs; to the Committee on Armed Services.

EC–1001. A communication from the Acting Deputy Assistant Secretary for Requirements and Resources, Department of Defense, transmitting, pursuant to law, a report relative to defense manpower requirements for fiscal year 1994; to the Committee on Armed Services.

EC–1002. A communication from the President of the United States, transmitting, pursuant to law, a report containing the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

EC–1003. A communication from the Acting Comptroller of the Currency, transmitting, pursuant to law, a report detailing enforcement actions taken by the Office during the twelve month period ending December 31, 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1004. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the Administration's annual report for calendar year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC–1005. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's annual report on the state of fair housing; to the Committee on Banking, Housing and Urban Affairs.

EC–1006. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the modernization of the National Weather Service; to the Committee on Commerce, Science and Transportation.

EC–1007. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report of sequestration preview for fiscal year 1994; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC–1008. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1009. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1010. A communication from the Acting Comptroller of the Currency, transmitting, pursuant to law, a report relative to consumer complaints filed against national banks; to the Committee on Commerce, Science and Transportation.

EC–1011. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the implementation of the metric system; to the Committee on Commerce, Science and Transportation.

EC–1012. A communication from the Secretary of Commerce, transmitting, pursuant to law, a draft of proposed legislation to make permanent the authority of the Secretary of Commerce to conduct the Quarterly Financial Report Program; to the Committee on Commerce, Science and Transportation.

EC–1013. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Proposals Received in Response to the Clean Coal Technology V Program Opportunity Notice"; to the Committee on Energy and Natural Resources.

EC–1014. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1992"; to the Committee on Energy and Natural Resources.

EC–1015. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1016. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1017. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1018. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1019. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1020. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1021. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1022. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the Government's helium program for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC–1023. A communication from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, a report relative to the

High Plains States Groundwater Demonstration Program; to the Committee on Energy and Natural Resources.

EC–1024. A communication from the President of the United States, transmitting, pursuant to law, a report on the agreement on trade relations between the United States of America and Romania; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Report to accompany (S. 1150) to promote the achievement of national educational goals, to raise expectations through high standards for all students and schools, to encourage State and local school reform to make high expectations and standards a reality, to lay the foundation for an effective national job training system, and for other purposes (Rept. No. 103–85).

By Mr. INOUYE, for the Committee on Indian Affairs, without amendment:

S. 442. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes (Rept. No. 103–86).

By Mr. INOUYE, from the Committee on Indian Affairs, with amendments:

S. 654. A bill to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations (Rept. No. 103–87).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN:

S. 1213. A bill to make amendments to the Congressional charter for Group Hospitalization and Medical Services; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, and Mr. PRESSLER):

S. 1214. A bill to create an emergency relief fund for agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM (for herself and Mr. SIMPSON):

S. 1215. A bill to increase the number of primary care providers in order to improve the nation's health care access and contain health care spending by the establishment of medical education reimbursement programs and other programs, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1216. A bill to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenee Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation; to the Committee on Indian Affairs.

By Mr. MITCHELL (for himself and Mr. DOLE) (by request):

S.J. Res. 110. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. SASSER, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. GRAHAM, Mr. PELL, Mr. KENNEDY, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. HEFLIN, Mr. MITCHELL, Mr. BURNS, Mr. COATS, Mr. THURMOND, Mr. PRESSLER, Mr. LUGAR, Mr. COCHRAN, Mr. GLENN, Mr. DOLE, Mr. WOFFORD, Mr. LEVIN, Mr. METZENBAUM, Mr. MATHEWS, Mr. SIMON, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MACK, Mr. REID, Mr. BIDEN, Mr. LOTT, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. CAMPBELL, Mr. EXON, Mrs. FEINSTEIN, Mr. FORD, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PRYOR, and Mr. SARBANES):

S.J. Res. 111. A joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NUNN:

S. 1213. A bill to make amendments to the congressional charter for Group Hospitalization and Medical Services; to the Committee on Governmental Affairs.

CONGRESSIONAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

• Mr. NUNN. Mr. President, I rise to offer a bill which will amend chapter 698 of Public Law 395, as amended, which is the Congressional charter for Group Hospitalization and Medical Services, Inc., the Blue Cross and Blue Shield plan located in the District of Columbia.

This bill is identical to a bill I introduced in the 102d Congress, S. 3092, which was enacted into law as part of the District of Columbia 1992 supplemental appropriations and rescissions and 1993 appropriations—Public Law 102–382, October 5, 1992. That legislation brought Group Hospitalization and Medical Services under the full regulatory authority of the Insurance Department of the District of Columbia. Unfortunately, that section of the law, section 137(d), calls for the provision to expire on September 30, 1993, making it necessary for the Congress to once again act. I am hopeful that this time, however, the Congress will make these changes permanent.

Mr. President, since that time, on January 26 and 27 of this year, the Permanent Subcommittee on Investigations, of which I am chairman, of the Committee on Governmental Affairs, held investigative hearings relative to Group Hospitalization and Medical Services, Inc. The subcommittee heard testimony from a variety of witnesses, learning of management excesses and faulty business practices that may have been avoided had that Blue Cross and Blue Shield plan been properly regulated by the District of Columbia. As we learned last year, the Congress had, in 1939, specifically exempted Group Hospitalization and Medical Services, Inc., from the insurance laws and regulations of the District of Columbia.

So, today I again introduce legislation to correct a problem whose scope is beyond the capability of any State, because the venue rests in the District of Columbia. Congress must act to permanently correct its own oversight, an oversight that was not foreseen in 1939, when the Congress chartered Group Hospitalization, Inc., the predecessor of the District of Columbia's Blue Cross and Blue Shield Plan, now known as Group Hospitalization and Medical Services, Inc. The 76th Congress, in Group Hospitalization's enabling legislation, exempted the corporation from the vast majority of the District's insurance regulation. Since then, and especially in the mid- to late 1980's, the corporation grew, surely beyond anything that could have been envisioned in 1939.

Mr. President, this piece of legislation is very simple and straightforward, and makes permanent what was already done just last year. It establishes the District of Columbia as the legal domicile for Group Hospitalization and Medical Services, Inc. It requires that the corporation be licensed in, and regulated by, the laws and regulations of the District of Columbia. It strikes article 7 of the charter, which exempted the corporation from regulation by the District of Columbia Insurance Commissioner, and it requires that the corporation reimburse the District of Columbia for the costs of examination and audit of the corporation, a standard requirement of the States in the regulation of this industry.

This legislation has been in place since October 5, 1992. The corporation, Group Hospitalization and Medical Services, Inc., and the government of the District of Columbia—specifically the Department of Insurance—have been operating under the statute since then. I believe the consumers, the Government, and the corporation have been better served by these changes to the congressional charter. I wholeheartedly feel that Congress must act now to make these changes permanent for the continued protection of the citizens who are served by this Blue Cross and Blue Shield plan.

This bill addresses such a narrow, undisputed, and critically dangerous regulatory loophole that I do not believe that we can afford to let this situation lapse back to the situation we faced last year. We must not delay its consideration. To do so would cause a lapse in the regulatory structure that has been put in place to address the problems we have uncovered in the insurance industry. To cause a lapse would also severely undermine the superintendent of insurance for the District of Columbia.

This bill must be enacted before the provisions contained in Public Law 102–382 expire so that the resulting havoc will be avoided altogether.

I ask unanimous consent that a section-by-section analysis of this legislation be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY

SECTION 1—LEGAL DOMICILE

This section establishes the legal domicile of Group Hospitalization and Medical Services, Incorporated, in the District of Columbia.

SECTION 2—REGULATORY AUTHORITY

This section establishes that the corporation will be licensed and regulated by the District of Columbia in accordance with the District's laws and regulations.

This section also strikes Section 7, which exempted the corporation from the insurance laws and regulations of the District of Columbia.

SECTION 3—REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION

This section creates a new Section 7, which requires the corporation to reimburse the District of Columbia for the costs of regulation of the corporation and its affiliates and subsidiaries, including the costs of financial and market conduct examinations.

SECTION 4—EFFECTIVE DATE

This section establishes the effective date of the amendments contained in this Bill as the date of enactment of this bill.●

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, and Mr. PRESSLER):

S. 1214. A bill to create an emergency relief fund for agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY RELIEF FUND ACT OF 1993

Mr. GRASSLEY. Mr. President, in Iowa the rains are still falling and the rivers are still rising. And the hopes of many are sinking fast. As most have already seen on the newscasts, the cities of Des Moines and Davenport, to name just two, are beleaguered by overflowing rivers. Overlooked by the media—in my view at least—is the grim, silent despair now gripping Iowa's farmers.

For farmers lucky enough to get into the fields, rains washed away many of the seeds. Plants that survived, however, are experiencing poor emergence.

But for those farmers who couldn't complete their spring planting, the fall harvest will offer little.

Mr. President, there wasn't much corn knee high by the Fourth of July in Iowa; during the recent recess I saw mostly black fields, awash in water. For many farmers—still recovering from the farm credit crisis of the eighties and earlier crises—rains this year will threaten their livelihoods like they have never been threatened before.

Crop insurance will, in fact, provide some measure of relief, but the current system must be improved.

Under the current system, unless a special rider was purchased by mid-April, those who were prevented from planting are not covered by crop insurance. Those who purchased coverage for corn and were forced to plant soybeans are technically without coverage. And of course, those who didn't buy crop insurance are not covered at all.

Mr. President, I join my fellow Iowan, Congressman FRED GRANDY, in introducing a bill which would remedy the shortcomings in the Federal Crop Insurance system, and provide much needed relief to producers in the Midwest.

Simply put, this legislation would allow farmers who had earlier purchased crop insurance but did not elect the prevented planting rider to retroactively purchase a prevented planted option. For producers who did not purchase crop insurance this year, they can retroactively purchase a policy as well. Finally, for producers who planted corn, but had to switch to soybeans, those farmers would get to keep their corn level of indemnity after soybean income has been subtracted.

The benefits of this plan are many. It will probably provide producers with higher benefits than they would receive under disaster relief. And that relief would be provided more quickly. This legislation will also cover future disasters during this crop year. Though most of us have ruled out a drought this year, an early frost is certainly a concern. This legislation would obviate the need for any additional disaster legislation. Finally, it would provide a disciplined way to administer aid, and encourage farmers to actively manage their risks through Federal crop insurance.

Mr. President, the Senate must act quickly. Though the magnitude of the agricultural losses won't be known for certain until the fall harvest is complete, the farmer of the Upper Midwest desperately needs a signal of hope from Congress.

Mr. President, I pledge my support to the Agriculture Committee and the Appropriations Committee in crafting a means to deliver much-needed aid in a fiscally responsible manner.

By Mrs. KASSEBAUM (for herself and Mr. SIMPSON):

S. 1215. A bill to increase the number of primary care providers in order to improve the Nation's health care access and contain health care spending by the establishment of medical education reimbursement programs and other programs, and for other purposes; to the Committee on Finance.

PRIMARY MEDICAL CARE ACT OF 1993

Mrs. KASSEBAUM. Mr. President, I rise to introduce legislation aimed at correcting the alarming and growing imbalance between primary care doctors and subspecialist physicians. This bill also includes provisions to draw more primary care health care providers into rural underserved areas.

As Congress prepares to debate the President's health care reform proposal, the shortage of primary care providers remains a sleeper. Uncorrected, this imbalance could seriously threaten our efforts to control rising health care costs and to expand access to Americans in rural and other underserved areas.

Currently, less than one-third of American physicians are primary care providers. This compares to Canada, where 55 percent of providers are family physicians, and Western Europe, where a majority of providers are generalists. Most disturbing of all, less than 15 percent of currently graduating medical students are entering primary care training programs. And this despite the fact that an overwhelming majority of students polled entering the first year of medical school said they planned to go into primary care.

Mr. President, primary care physicians provide care at a fraction of the cost of specialists, and—according to a recent medical outcomes study—the quality of their care is equally good. Primary care physicians are also able to care for 85 percent of their patients' problems—without the added cost of subspecialty referrals. Finally, unlike subspecialists, who tend to congregate in highly populated geographic areas, the per-capita distribution of primary care physicians between rural and urban America is relatively the same.

Why do we have a shortage of primary care doctors? The reasons are many, including too many medical school curricula designed to produce subspecialists and strong incentives for specialization built into the current Medicare graduate medical education [GME] program. Also contributing to the problem are greater income levels for specialists and the resulting attractiveness of highly paid specialities for debt-burdened medical students.

Mr. President, the legislation I am introducing today touches on each of these problems, but its main focus is to reform the medical education system to provide greater emphasis on primary care. The legislation builds on a growing consensus in the health care and medical education communities that changes are needed in the way the United States trains doctors and other health professionals. Specifically, groups such as the Physician Payment Review Commission and the Public Health Service's Council on Graduate Medical Education are calling for greater emphasis on primary care in the financing of graduate medical education.

By far, the largest Federal involvement in graduate medical education occurs through the Medicare Program, which pays $5 billion annually to

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teaching hospitals to help them underwrite the cost of residency training. An additional $270 million in Federal grant assistance is provided through the Public Health Service to primary care residencies and allied health, nursing, and medical schools.

A serious problem in the current Medicare GME system is that payments are made to teaching hospitals on a blanket, per-resident basis, without regard to the speciality being subsidized. What this means is that hospitals receive the same taxpayer subsidy for training subspecialists as they do for training primary care physicians—this despite the fact that primary care is where the shortages lie, and that subspecialty residents in many cases generate much better revenue for the teaching hospitals.

Another problem is that the current funding structure provides little incentive for community-based training outside the hospital, which is critical to effective primary care residency programs. Hospitals currently transfer only a limited amount of money to such sites, making it difficult to run quality primary care training programs.

Mr. President, the key provisions in the legislation I am introducing today would increase the Medicare direct medical education [DME] payments for primary care residents by 50 percent and maintain current DME weighting for subspecialty training positions associated with training consortia involving both hospital- and community-based training. This change, which is strictly budget neutral, would also reduce overall nonconsortia subspecialty resident reimbursements by an exactly proportionate amount.

In addition, teaching hospitals and health care training consortia wishing to receive Medicare assistance for their residency training programs must set salaries for primary care residents at least 20 percent higher than those paid to subspecialty residents.

These Medicare GME changes will result in improved status of primary care at academic health centers. With increased financial leverage, primary care departments will be able to lead changes in medical school curriculum and admission criteria to increase the number of students entering primary care residencies. In addition, with enhanced GME payments, primary care residencies will be able both to grow and to improve the quality of their programs.

Finally, higher primary care residency salaries will create a strong short-term material incentive to medical students to choose primary care residencies. Many of these students face debt burdens of greater than $50,000 as they enter their residencies. This added salary incentive for primary care residents will also help offset the current deep bias toward specialty residencies caused by the anticipation of high incomes in private practice.

An important element of this legislation is the DME incentive it provides for the formation of health care training consortia. A health care training consortium would be composed of a medical school or medical schools, teaching hospitals, and many varieties of community-based training sites. In order to qualify for the federal reimbursement benefits, consortia would be required to produce at least 50 percent primary care physicians from the consortium medical schools.

The new consortia are designed to foster medical school and residency curriculum changes which will produce more primary care providers. They will also promote better integration of medical school and residency education and funding. Under this approach, both residents and medical students would receive improved exposure to community-based training.

Before I describe other components of my legislation, let me explain why I chose to use Medicare DME weighting instead of the so-called slotting advocated by some in the field. Under the slotting approach, the Federal Government would decide the number and type of residency programs it would continue to support. Advocates of this approach point to Canada, where the Government allows over 50 percent primary care positions. I am skeptical of this approach because I believe its application in the United States could lead to more bureaucratic centralization than I believe is appropriate. Furthermore, this approach would be very vulnerable to political pressure and congressional tinkering.

For those who are skeptical of the weighting approach I have taken in this legislation, I would point out the recent success of such weighting in New York State. Two years ago, New York State began to provide higher payments to primary care residency programs. While it is early to judge the success of this approach, many internal medicine and pediatric programs that once produced subspecialists are now making curriculum changes designed to produce primary care providers.

Mr. President, the legislation would also require teaching hospitals to account for the transfer of training funds to community-based primary care training sites and would allow teaching hospitals to receive GME payments for residents that train in nonhospital-owned facilities. The bill also provides increased Public Health Service funding for nurse practitioner and physician assistant training. Through a new demonstration grant program, States and nonprofit entities could examine the best mechanisms to retrain subspecialists in oversupply and to expand the practice of nurse practitioners and physician assistants.

Although a large focus of this bill is on the increased production of primary care providers, it also includes provisions to expand community-based primary care facilities and tax and loan forgiveness incentives to draw primary care providers into rural underserved areas. Many of these provisions are similar to those I introduced earlier this year as part of S. 325, my comprehensive BasiCare health care reform legislation.

Mr. President, as discussion of these issues develops, I would welcome any suggestions my colleagues or others may have for improving this legislation. I ask unanimous consent that my statement, a summary of this bill, and the legislation itself be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Primary Medical Care Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—INCREASING THE NUMBER OF PRIMARY CARE PROVIDERS

SEC. 101. FINDINGS.

Congress finds that—

(1) not less than 50 percent of all medical residents should complete generalist training programs, and at least 50 percent of all physicians should become primary care providers;

(2) all primary care shortage areas should be eliminated, and disparities between the metropolitan and nonmetropolitan distribution of physicians should be reduced;

(3) the aggregate allopathic and osteopathic physician-to-population ratio should be maintained at 1993 levels;

(4) the total number of entry medical residency positions should be limited;

(5) the number of nurse practitioners and physician assistants should be increased; and

(6) community-based ambulatory training experiences for medical residents should be increased.

SEC. 102. GRADUATE MEDICAL EDUCATION PAYMENTS.

(a) IN GENERAL.—Subsection (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww(h)) is amended to read as follows:

"(h) GRADUATE MEDICAL EDUCATION PAYMENTS.—

"(1) NATIONAL HEALTH WORKFORCE EDUCATION FUND.—

"(A) ESTABLISHMENT.—The Secretary shall establish a National Health Workforce Education Fund (hereafter referred to in this subsection as the 'Fund') to make payments in accordance with this subsection.

"(B) ALLOCATIONS.—

"(i) IN GENERAL.—In providing for the Fund, the Secretary shall annually provide for an allocation of monies to the Fund from the trust funds established under parts A and B as the Secretary determines reasonably reflects the amount of DME payments and IME payments payable under such funds during fiscal year 1993.

"(ii) UPDATING TO THE FIRST COST REPORTING PERIOD.—The Secretary shall update the amount of funds allocated to the Fund under clause (i) by the percentage increase in the consumer price index during the 12-month cost reporting period described in such clause.

"(iii) AMOUNT FOR SUBSEQUENT COST REPORTING PERIODS.—For each cost reporting period, the amount of funds allocated to the Fund shall be equal to the amount determined under this subparagraph for the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index.

"(C) DIVISION OF FUND.—The Secretary shall annually divide the Fund into subfunds. One subfund shall be established for DME payments (hereafter referred to in this subsection the 'DME subfund') and another subfund for IME payments (hereafter referred to in this subsection as the 'IME subfund'). In determining the annual relative distribution of funds between the DME subfund and the IME subfund, the Secretary shall first consider the amount to be contained in the DME subfund. The IME subfund shall be equal to the amount of the Fund less the amount of the DME subfund.

"(D) DETERMINATION OF AMOUNT OF DME SUBFUND.—The Secretary shall annually determine the amount of the DME subfund. For the first cost reporting period, the DME subfund shall be equal to the amount of DME payments under parts A and B in 1993, updated by the percentage increase in the consumer price index during that 12-month cost reporting period. For subsequent cost reporting periods, such subfund shall be the greater of—

"(i) the amount of DME payments made from the Fund during the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index; or

"(ii) the projected amount of DME payments for such cost reporting period required for all primary care residents and health care training consortia residents in programs approved by the Administrator of the Health Resources and Services Administration.

"(3) GUIDELINES FOR DISBURSEMENT OF GRADUATE MEDICAL EDUCATION FUNDS.—

"(A) DME PAYMENTS.—

"(i) AMOUNT OF PAYMENT PER FTE RESIDENT.—The Secretary shall develop a payment amount per FTE resident, with respect to DME payments, that is not historically based, but shall accurately reflect the resident stipends, clinical faculty stipends, administrative expenses, and program operation overhead involved. The Secretary shall develop such a formula based upon a national average of such payments during the cost reporting period that ended in 1993.

"(ii) UPDATING TO THE FIRST COST REPORTING PERIOD.—The Secretary shall update the payment amount per FTE resident determined under clause (i) by the percentage increase in the consumer price index during the 12-month cost reporting period described in such clause.

"(iii) AMOUNT FOR SUBSEQUENT COST REPORTING PERIODS.—For each cost reporting period, the approved payment amount per FTE resident shall be equal to the amount determined under this subparagraph for the previous cost reporting period updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index.

"(B) HEALTH CARE TRAINING INSTITUTION PAYMENT AMOUNT PER RESIDENT.—

"(i) IN GENERAL.—The payment amount, for a health care training institution's cost reporting period shall be equal to the product of—

"(I) the aggregate approved amount (as defined in clause (ii)) for that period; and

"(II) the health care training institution's medicare patient load (as defined in clause (iii)) for that period.

"(ii) AGGREGATE APPROVED AMOUNT.—As used in clause (i), the term 'aggregate approved amount' means, for a health care training institution cost reporting period, the product of—

"(I) the payment amount per FTE resident amount (as determined under subparagraph (A)) for that period;

"(II) the weighted average number of FTE (as determined under subparagraph (C)) in the health care training institution's approved medical residency training programs in that period.

"(iii) MEDICARE PATIENT LOAD.—As used in clause (i), the term 'medicare patient load' means, with respect to a health care training consortium's or a teaching hospital's cost reporting period, the fraction of the total number of inpatient-bed-days (as established by the Secretary) during the period which are attributable to patients with respect to whom payment may be under part A. For the purpose of this clause, for a health care training consortium, the fraction of the total number of inpatient-bed-days shall be calculated using the inpatient bed days of the teaching hospitals which are members of the consortium.

"(C) DETERMINATION OF FULL-TIME EQUIVALENT RESIDENTS.—

"(i) RULES.—The Secretary shall establish rules consistent with this subparagraph for the computation of the number of FTE residents in an approved medical residency training program.

"(ii) ADJUSTMENT FOR PART-YEAR OR PART-TIME RESIDENTS.—Such rules shall take into account individuals who serve as residents for only a portion of a period with a hospital or simultaneously with more than one hospital.

"(iii) WEIGHTING FACTORS.—Subject to clause (iv), such rules shall provide that, in calculating the number of FTE residents in an approved residency program for a resident who is in the resident's initial residency period—

"(I) with respect to each primary care resident in a primary care training program approved by the Administrator of the Health Resources and Services Administration, the weighting factor is 1.5;

"(II) with respect to each nonprimary care resident in a training program which is part of a health care training consortia, approved by the Administrator of the Health Resources and Services Administration, the weighting factor is 1.0; and

"(III) with respect to each nonprimary care resident in a training program that is not part of a health care training consortia approved by the Administrator of the Health Resources and Services Administration, the weighting factor shall be the ratio of the subspecialty total divided by the product of the payment amount per FTE resident and the total number of residents who do not train in programs approved under section 753 of the Public Health Service Act as a primary care training program or a health care training consortium.

The subspecialty total for purposes of subclause (III) shall be the sum determined by subtracting the amount of DME payments that would be needed to provide reimbursements for residents who train in programs approved, under section 753 of the Public Health Service Act as a primary care training program or a health care training consortium from the amount of the DME subfund.

"(iv) FOREIGN MEDICAL GRADUATES REQUIRED TO PASS FMGEMS EXAMINATION.—Such rules shall provide that, in the case of an individual who is a foreign medical graduate, the individual shall not be counted as a resident, unless—

"(I) the individual has passed the FMGEMS examination; or

"(II) the individual has previously received certification from, or has previously passed the examination of, the Educational Commission for Foreign Medical Graduates.

"(v) COUNTING TIME SPENT IN OUTPATIENT SETTINGS.—Such rules shall provide that only time spent in activities relating to patient care shall be counted and that all the time so spent by a resident under an approved medical residency training program shall be counted towards the determination of full-time equivalency, without regard to the setting in which the activities are performed.

"(D) ASSURANCES.—In disbursing DME payments from the Fund, the Secretary, shall ensure that following:

"(i) A teaching hospital receiving DME payments from the Fund for its residents, other than those residents that are part of a health care training consortium, uses those funds to support the training of medical residents.

"(ii) A health care training consortium receiving DME payments may use such funds, at the sole discretion of such consortium, to support the training of medical students and medical residents to meet the training outcome requirements as described under section 753 of the Public Health Service Act.

"(iii) Assurances are obtained from the health care training consortia or teaching hospitals receiving such DME payments that such entities will compensate the appropriate primary care residents at not less than an amount that is 20 percent greater than the compensation paid to other residents.

"(E) COMPENSATION.—As used in subparagraph (D)(iii), the term 'compensation' means the total of salary, benefits, debt forgiveness, and all other presentations provided to residents, both monetary and material. Payments made to residents by a residency program either prior to or following the actual period of residency shall also be considered as compensation under this section.

"(4) DETERMINATION AS TO FUNDING OF PROGRAMS.—The Secretary shall, with respect to weighting factors for primary care training programs and health care training consortia under paragraph (3), use only such weights for programs or consortia approved by the Administrator of the Health Resources and Services Administration under section 753 of the Public Health Service Act.

"(5) DEFINITIONS.—As used in this subsection:

"(A) APPROVED MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved medical residency training program' means a residency or other postgraduate medical training program in which participation may be counted toward certification in a specialty or subspecialty and includes formal postgraduate training programs in geriatric medicine approved by the Secretary.

"(B) CONSUMER PRICE INDEX.—The term 'consumer price index' refers to the Consumer Price Index for All Urban Consumers (United States city average), as published by the Secretary of Commerce.

"(C) DIRECT MEDICAL EDUCATION PAYMENTS; DME.—The term 'direct medical education payments' means payments to a health care training institution that sponsors a residency program, to enable such institution to provide—

"(i) resident and fellow stipends;

"(ii) the salaries of clinical faculty;

"(iii) administrative expenses; and

"(iv) reimbursement for overhead expenses incurred for residency and fellowship physician training.

"(D) FOREIGN MEDICAL GRADUATE.—The term 'foreign medical graduate' means a resident who is not a graduate of—

"(i) a school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Colleges (or approved by such Committee as meeting the standards necessary for such accreditation);

"(ii) a school of osteopathy accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation; or

"(iii) a school of dentistry or podiatry that is accredited (or meets the standards for accreditation) by an organization recognized by the Secretary for such purpose.

"(E) FMGEMS EXAMINATION.—The term 'FMGEMS examination' means parts I and II of the Foreign Medical Graduate Examination in the Medical Sciences recognized by the Secretary for this purpose.

"(F) GENERALISTS.—The term 'generalists' means family physicians, general pediatricians, and general internists.

"(G) HEALTH CARE TRAINING CONSORTIUM.—

"(i) IN GENERAL.—The term 'health care training consortium' means a local, State, or regional association approved by the Administrator of the Health Resources and Services Administration under section 753 of the Public Health Service Act, that includes at least one school of medicine, teaching hospital, and ambulatory training site, organized in a manner so that at least 50 percent of the involved medical school's or schools' graduates become primary care providers during the year after such graduates complete their residency training.

"(ii) AMBULATORY TRAINING SITES.—As used in clause (i), the term 'ambulatory training sites' includes health maintenance organizations, community health centers and federally qualified health centers, migrant health centers, ambulatory offices or other appropriate educational and teaching sites as determined by the Administrator of the Health Resources and Services Administration.

"(H) HEALTH CARE TRAINING INSTITUTION.—The term 'health care training institution' means a teaching hospital or a health care training consortium.

"(I) INDIRECT MEDICAL EDUCATION PAYMENTS; IME.—The term 'indirect medical education payments' means payments to teaching hospitals to enable such hospitals to pay the additional operating costs associated with the training of medical residents under section 1886(d)(5)(B). Such payments shall be referred to as 'IME payments'.

"(J) INITIAL RESIDENCY PERIOD.—(i) The term 'initial residency period' means the period of board eligibility. Except as provided in clause (ii), in no case shall the initial period of residency exceed an aggregate period of formal training of more than five years for any individual. The initial residency period shall be determined, with respect to a resident, as of the time the resident enters the residency training program.

"(ii) Notwithstanding clause (i), a period, of not more than two years, during which an individual is in a geriatric residency or fellowship program that meets such criteria as the Secretary may establish, shall be treated as part of the initial residency period, but shall not be counted against any limitation on the initial residency period.

"(K) PERIOD OF BOARD ELIGIBILITY.—

"(i) GENERAL RULE.—Subject to clauses (ii) and (iii), the term 'period of board eligibility' means, for a resident, the minimum number of years of formal training necessary to satisfy the requirements for initial board eligibility in the particular specialty for which the resident is training.

"(ii) APPLICATION OF DIRECTORY.—Except as provided in clause (iii), the period of board eligibility shall be such period specified in the Directory of Residency Training Programs published by the Accreditation Council on Graduate Medical Education.

"(iii) CHANGES IN PERIOD OF BOARD ELIGIBILITY.—If the Accreditation Council on Graduate Medical Education, in its Directory of Residency Training Programs—

"(I) increases the minimum number of years of formal training necessary to satisfy the requirements for a specialty, above the period specified in its 1993–1994 Directory, the Secretary may increase the period of board eligibility for that specialty, but not to exceed the period of board eligibility specified in that later Directory; or

"(II) decreases the minimum number of years of formal training necessary to satisfy the requirements for a specialty, below the period specified in its 1993–1994 Directory, the Secretary may decrease the period of board eligibility for that specialty, but not below the period of board eligibility specified in that later Directory.

"(L) PRIMARY CARE.—The term 'primary care' means medical care that is characterized by the following elements:

"(i) First contact care for persons with undifferentiated health care concerns.

"(ii) Person-centered, comprehensive care that is not organ or problem specific.

"(iii) An orientation toward the longitudinal care of the patient.

"(iv) Responsibility for coordination of other health services as they relate to the patient's care.

"(M) PRIMARY CARE COMPETENCIES.—The term 'primary care competencies' means—

"(i) health promotion and disease prevention;

"(ii) the assessment or evaluation of common symptoms and physical signs;

"(iii) the management of common acute and chronic medical conditions, including behavioral conditions; or

"(iv) the identification and appropriate referral for other needed health care services.

"(N) PRIMARY CARE PROVIDERS.—The term 'primary care providers' means generalists and obstetrician/gynecologists, nurse practitioners, and physician assistants who utilize the primary care competencies to deliver primary care.

"(O) PRIMARY CARE RESIDENTS.—The term 'primary care residents' means medical residents in primary care training programs.

"(P) PRIMARY CARE TRAINING PROGRAMS.—The term 'primary care training programs' means—

"(i) all family practice residency programs; and

"(ii) residency programs for primary care providers that are approved by the Administrator of the Health Resources and Services Administration in accordance with section 753 of the Public Health Service Act.".

(b) IME PAYMENTS.—Subparagraph (B) of section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

(1) in the matter preceding clause (i), by inserting "(IME payments under subsection (h)), from the IME subfund established in subsection (h)," after "medical education,"; and

(2) by adding at the end thereof the following new clause:

"(v) In determining the additional payment amount, the Secretary shall reduce the amount of IME payments to teaching hospitals for a hospital cost reporting period by an appropriate across-the-board percentage, in order to maintain IME subfund budget neutrality if—

"(I) such payments for resident provided services are projected to increase during the hospital cost reporting period; or

"(II) the amount of such subfund is reduced in accordance with subsection (h)(1)(C).".

SEC. 103. APPROVAL OF PRIMARY CARE AND HEALTH CARE CONSORTIUM PROGRAMS FOR GME PAYMENTS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293j et seq.) is amended by adding at the end thereof the following new section:

"SEC. 753. APPROVAL OF PRIMARY CARE AND HEALTH CARE CONSORTIUM PROGRAMS FOR GME PAYMENTS.

"(a) IN GENERAL.—

"(1) REQUIREMENTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall,

for purposes of section 1886(h) of the Social Security Act—

"(A) establish criteria, based upon program curricula, that shall be utilized to determine which residencies in pediatrics, internal medicine, and obstetrics and gynecology shall be approved as primary care training programs;

"(B) approve primary care training programs, using the criteria established in paragraph (2); and

"(C) approve health care training consortium in accordance with paragraph (2).

"(2) TRANSITION.—

"(A) IN GENERAL.—During the period ending on June 30, 1997, a health care training consortium shall be approved if the consortium demonstrates that not less than 50 percent of the filled residency program positions of such consortium are in primary care training programs.

"(B) 1997–2001.—During the period beginning July 1, 1997, through June 30, 2001, a health care training consortium shall be approved if the consortium demonstrates that not less than 50 percent of the filled residency program positions of such consortium are in primary care training programs and not less than 50 percent of the medical school graduates from such health care training consortium with respect to the year involved enter primary care training programs.

"(C) POST 2001.—For each annual period beginning on July 1, 2001, health care training consortium shall be approved if such consortium demonstrates that not less than 50 percent of the 1997 graduates, and each subsequent class of graduates, from the consortium medical school or medical schools have become primary care providers.

"(b) DEFINITIONS.—As used in this section:

"(1) GENERALISTS.—The term 'generalists' means family physicians, general pediatricians, and general internists.

"(2) HEALTH CARE TRAINING CONSORTIUM.—

"(A) IN GENERAL.—The term 'health care training consortium' means a local, State, or regional association approved by the Administrator of the Health Resources and Services Administration that includes at least one school of medicine, teaching hospital, and ambulatory training site, organized in a manner so that at least 50 percent of the involved medical school's or schools' graduates become primary care providers during the year after such graduates complete their residency training.

"(B) AMBULATORY TRAINING SITES.—As used in subparagraph (A), the term 'ambulatory training sites' includes health maintenance organizations, community health centers and federally qualified health centers, migrant health centers, ambulatory offices or other appropriate educational and teaching sites as determined by the Administrator of the Health Resources and Services Administration.

"(3) PRIMARY CARE.—The term 'primary care' means medical care that is characterized by the following elements:

"(A) First contact care for persons with undifferentiated health care concerns.

"(B) Person-centered, comprehensive care that is not organ or problem specific.

"(C) An orientation toward the longitudinal care of the patient.

"(D) Responsibility for coordination of other health services as they relate to the patient's care.

"(4) PRIMARY CARE COMPETENCIES.—The term 'primary care competencies' means—

"(A) health promotion and disease prevention;

"(B) the assessment or evaluation of common symptoms and physical signs;

"(C) the management of common acute and chronic medical conditions, including behavioral conditions; or

"(D) the identification and appropriate referral for other needed health care services.

"(5) PRIMARY CARE PROVIDERS.—The term 'primary care providers' means generalists and obstetrician/gynecologists, nurse practitioners, and physician assistants who utilize the primary care competencies to deliver primary care.

"(6) PRIMARY CARE RESIDENTS.—The term 'primary care residents' means medical residents in primary care training programs.

"(7) PRIMARY CARE TRAINING PROGRAMS.—The term 'primary care training programs' means—

"(A) all family practice residency programs; and

"(B) residency programs for primary care providers that are approved by the Administrator of the Health Resources and Service Administrator in accordance with this section.".

SEC. 104. HEALTH PROFESSIONS FUNDING FOR NURSE PRACTITIONER AND PHYSICIAN ASSISTANTS PROGRAMS.

(a) PHYSICIAN ASSISTANTS.—Section 750(d)(1) of the Public Health Service Act (42 U.S.C. 293n(d)(1)) is amended by striking "for each of the fiscal years 1993 through 1995" and inserting "for fiscal year 1993, $11,250,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

(b) NURSE PRACTITIONERS.—Section 822(d) of such Act (42 U.S.C. 296m(d)) is amended by striking "for each of the fiscal years 1993 and 1994" and inserting "for fiscal year 1993, $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

SEC. 105. PRIMARY CARE DEMONSTRATION GRANTS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 320A. PRIMARY CARE DEMONSTRATION GRANTS.

"(a) AUTHORIZATION.—The Secretary, acting through the Health Resources and Services Administration, shall award grants to States or nonprofit entities to fund not less than 10 demonstration projects to enable such States or entities to evaluate one or more of the following:

"(1) State mechanisms, including changes in the scope of practice laws, to enhance the delivery of primary care by nurse practitioners or physician assistants.

"(2) The feasibility of, and the most effective means to train subspecialists to deliver primary care as primary care providers.

"(3) State mechanisms to increase the supply or improve the distribution of primary care providers.

"(b) APPLICATION.—To be eligible to receive a grant under this section a State or nonprofit entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $9,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 106. HEALTH WORKFORCE OVERSIGHT.

(a) IN GENERAL.—Section 301(a) of the Health Professions Education Extension Amendments of 1992 (42 U.S.C. 295k note) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) maintain data bases concerning the supply and distribution of, and postgraduate training programs for, physicians and other primary care providers in the United States in order to make periodic recommendations with respect to subparagraphs (D) and (E) of paragraph (1).".

(b) FINAL REPORT.—Section 301(j) of such Act is amended—

(1) by striking "FINAL" in the subsection heading; and

(2) by striking "final".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 301(k) of such Act is amended to read as follows:

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to maintain the data bases required under subsection (a)(3), and for other purposes authorized by this section, $8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

TITLE II—COMMUNITY HEALTH SERVICES EXPANSION

SEC. 201. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. COMMUNITY-BASED PRIMARY HEALTH CARE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer a program to provide allotments to States to enable such States to provide grants for the creation or enhancement of community-based primary health care entities that provide services to low-income or medically underserved populations.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the amount available for allotment under subsection (h) for a fiscal year, the Secretary shall allot to each State an amount equal to the product of the grant share of the State (as determined under paragraph (2)) multiplied by such amount available.

"(2) GRANT SHARE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the grant share of a State shall be the product of the need-adjusted population of the State (as determined under subparagraph (B)) multiplied by the Federal matching percentage of the State (as determined under subparagraph (C)), expressed as a percentage of the sum of the products of such factors for all States.

"(B) NEED-ADJUSTED POPULATION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the need-adjusted population of a State shall be the product of the total population of the State (as estimated by the Secretary of Commerce) multiplied by the need index of the State (as determined under clause (ii)).

"(ii) NEED INDEX.—For purposes of clause (i), the need index of a State shall be the ratio of—

"(I) the weighted sum of the geographic percentage of the State (as determined under clause (iii)), the poverty percentage of the State (as determined under clause (iv)), and the multiple grant percentage of the State (as determined under clause (v)); to

"(II) the general population percentage of the State (as determined under clause (vi)).

"(iii) GEOGRAPHIC PERCENTAGE.—

"(I) IN GENERAL.—For purposes of clause (ii)(I), the geographic percentage of the State shall be the estimated population of the State that is residing in nonurbanized areas (as determined under subclause (II)) expressed as a percentage of the total nonurbanized population of all States.

"(II) NONURBANIZED POPULATION.—For purposes of subclause (I), the estimated population of the State that is residing in nonurbanized areas shall be one minus the urbanized population of the State (as determined using the most recent decennial census), expressed as a percentage of the total population of the State (as determined using the most recent decennial census), multiplied by the current estimated population of the State.

"(iv) POVERTY PERCENTAGE.—For purposes of clause (ii)(I), the poverty percentage of the State shall be the estimated number of people residing in the State with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget) expressed as a percentage of the total number of such people residing in all States.

"(v) MULTIPLE GRANT PERCENTAGE.—For purposes of clause (ii)(I), the multiple grant percentage of the State shall be the amount of Federal funding received by the State under grants awarded under sections 329, 330, and 340, expressed as a percentage of the total amounts received under such grants by all States. With respect to a State, such percentage shall not exceed twice the general population percentage of the State under clause (vi) or be less than one-half of the States general population percentage.

"(vi) GENERAL POPULATION PERCENTAGE.—For purposes of clause (ii)(II), the general population percentage of the State shall be the total population of the State (as determined by the Secretary of Commerce) expressed as a percentage of the total population of all States.

"(C) FEDERAL MATCHING PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Federal matching percentage of the State shall be equal to one, less the State matching percentage (as determined under clause (ii)).

"(ii) STATE MATCHING PERCENTAGE.—For purposes of clause (i), the State matching percentage of the State shall be 0.25 multiplied by the ratio of the total taxable resource percentage (as determined under clause (iii)) to the need-adjusted population of the State (as determined under subparagraph (B)).

"(iii) TOTAL TAXABLE RESOURCE PERCENTAGE.—For purposes of clause (ii), the total taxable resources percentage of the State shall be the total taxable resources of a State (as determined by the Secretary of the Treasury) expressed as a percentage of the sum of the total taxable resources of all States.

"(3) ANNUAL ESTIMATES.—

"(A) IN GENERAL.—If the Secretary of Commerce does not produce the annual estimates required under paragraph (2)(B)(iv), such estimates shall be determined by multiplying the percentage of the population of the State that is below 200 percent of the income official poverty line as determined using the most recent decennial census by the most recent estimate of the total population of the State. Except as provided in subparagraph (B), the calculations required under this subparagraph shall be made based on the most recent 3-year average of the total taxable resources of individuals within the State.

"(B) DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the calculations required under such subparagraph with respect to the District of Columbia shall be based on the most recent 3-year average of the personal income of individuals residing within the District as a percentage of the personal income for all individuals residing within the District, as determined by the Secretary of Commerce.

"(4) MATCHING REQUIREMENT.—A State that receives an allotment under this section shall make available State resources (either directly or indirectly) to carry out this section in an amount that shall equal the State matching percentage for the State (as determined under paragraph (2)(C)(ii)) divided by the Federal matching percentage (as determined under paragraph (2)(C)).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an allotment under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCES.—A State application submitted under paragraph (1) shall contain an assurance that—

"(A) the State will use amounts received under its allotment consistent with the requirements of this section; and

"(B) the State will provide, from non-Federal sources, the amounts required under subsection (b)(4).

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The State shall use amounts received under this section to award grants to eligible public and nonprofit private entities, or consortia of such entities, within the State to enable such entities or consortia to provide services of the type described in paragraph (2) of section 329(h) to low-income or medically underserved populations.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity or consortium shall—

"(A) prepare and submit to the administering entity of the State, an application at such time, in such manner, and containing such information as such administering entity may require, including a plan for the provision of services of the type described in paragraph (3);

"(B) provide assurances that services will be provided under the grant at fee rates established or determined in accordance with section 330(e)(3)(F); and

"(C) provide assurances that in the case of services provided to individuals with health insurance, such insurance shall be used as the primary source of payment for such services.

"(3) SERVICES.—The services to be provided under a grant awarded under paragraph (1) shall include—

"(A) one or more of the types of primary health services described in section 330(b)(1);

"(B) one or more of the types of supplemental health services described in section 330(b)(2); and

"(C) any other services determined appropriate by the administering entity of the State.

"(4) TARGET POPULATIONS.—Entities or consortia receiving grants under paragraph (1) shall, in providing the services described in paragraph (3), substantially target populations of low-income or medically underserved populations within the State who reside in medically underserved or health professional shortage areas, areas certified as underserved under the rural health clinic program, or other areas determined appropriate by the administering entity of the State, within the State.

"(5) PRIORITY.—In awarding grants under paragraph (1), the State shall—

"(A) give priority to entities or consortia that can demonstrate through the plan submitted under paragraph (2) that—

"(i) the services provided under the grant will expand the availability of primary care services to the maximum number of low-income or medically underserved populations who have no access to such care on the date of the grant award; and

"(ii) the delivery of services under the grant will be cost-effective; and

"(B) ensure that an equitable distribution of funds is achieved among urban and rural entities or consortia.

"(e) REPORTS AND AUDITS.—Each State shall prepare and submit to the Secretary annual reports concerning the State's activities under this section which shall be in such form and contain such information as the Secretary determines appropriate. Each such State shall establish fiscal control and fund accounting procedures as may be necessary to assure that amounts received under this section are being disbursed properly and are accounted for, and include the results of audits conducted under such procedures in the reports submitted under this subsection.

"(f) PAYMENTS.—

"(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section for each fiscal year in an amount not to exceed the State's allotment under subsection (b) to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

"(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (b) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

"(g) DEFINITION.—As used in this section, the term 'administering entity of the State' means the agency or official designated by the chief executive officer of the State to administer the amounts provided to the State under this section.

"(h) FUNDING.—Notwithstanding any other provision of law, the Secretary shall use 50 percent of the amounts that the Secretary is required to utilize under section 330B(h) in each fiscal year to carry out this section.".

SEC. 202. PROGRAM TO PROVIDE FOR EXPANSION OF FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 201) is further amended by adding at the end thereof the following new section:

"SEC. 330B. PROGRAM TO PROVIDE FOR EXPANSION OF FEDERALLY QUALIFIED HEALTH CENTERS.

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereafter referred to in this section as 'FQHCs') and other entities and organizations submitting applications under

this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of the date of enactment of this section, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) have submitted applications to the Secretary to qualify as FQHCs under section 1905(l)(2)(B) of the Social Security Act; or

"(C) have submitted a plan to the Secretary which provides that the entity or organization will meet the requirements to qualify as a FQHC when operational.

"(2) NON-FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to any public or private nonprofit agency, or any health care entity or organization which—

"(i) meets the requirements necessary to qualify as a FQHC, except the requirement that such agency, entity, or organization has a consumer majority governing board,

"(ii) has submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act, and

"(iii) is designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services,

provided that the proposal described in clause (ii) is developed by the agency, entity, or organization (or such agencies, entities, or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such agency, entity, or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that not more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity or organization designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act, or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—From the amounts awarded to a FQHC or other entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met; and

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under 1905(l)(2)(B) of the Social Security Act.

"(2) RECRUITING, TRAINING, AND COMPENSATION OF STAFF.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training, and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity or organization to operate at new or expanded existing sites.

"(3) FACILITIES AND EQUIPMENT.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) SERVICES.—From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity or organization necessary to qualify such entity or organization as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of the Social Security Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—

"(1) CERTIFIED FQHCS.—The Secretary shall give priority in awarding grants under this section to entities and organizations which have, as of the date of enactment of this section, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities or organizations which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) QUALIFIED FQHCS.—The Secretary shall give second priority in awarding grants to entities and organizations which have submitted applications to the Secretary which demonstrate that the entities or organizations will qualify as FQHCs under section 1905(l)(2)(B) of the Social Security Act before they provide or arrange for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) EXPANDED SERVICES AND PROJECTS.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities or organizations which have provided for expanded services and projects and are able to demonstrate that such entities or organizations will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that a FQHC or other entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, to expand areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—

"(1) FAILURE TO MEET FQHC REQUIREMENTS.—

"(A) IN GENERAL.—With respect to any entity or organization that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act or is an entity or organization that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity or organization.

"(B) NOTICE.—Prior to any termination of funds under this section to an entity or organization, the entity or organization shall be entitled to 60 days' prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity or organization to continue to receive funds under this section.

"(2) REQUIREMENTS.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity or organization using funds made available under this section or transfer such property to another FQHC, except that the Secretary

shall reimburse any costs which were incurred by the entity or organization in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity or organization terminated under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $600,000,000 for each of the fiscal years 1994 through 1998.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity or organization described in this section beginning on or after the date of enactment of this Act.

TITLE III—EXPANDING THE SUPPLY OF HEALTH PROFESSIONALS IN RURAL AREAS

SEC. 301. EXPANSION OF NATIONAL HEALTH SERVICE CORPS.

Section 338H(b) of the Public Health Service Act (42 U.S.C. 254q(b)) is amended—

(1) in paragraph (1), by striking "and such sums" and all that follows through the end thereof and inserting "$120,000,000 for each of the fiscal years 1993 through 2000."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) IN GENERAL.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall utilize 25 percent of such amount to carry out section 338A and 75 percent of such amount to carry out section 338B.".

SEC. 302. TAX INCENTIVES FOR PRACTICE IN RURAL AREAS.

(a) NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified primary health services provider who is a physician assistant or a nurse practitioner).

"(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) MANDATORY SERVICE PERIOD.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUREAU.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) PHYSICIAN ASSISTANT; NURSE PRACTITIONER.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(3) of the Social Security Act.

"(4) PRIMARY HEALTH SERVICES PROVIDER.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) RURAL HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'rural health professional shortage area' means—

"(A) a rural health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(C) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	The applicable recapture percentage is:
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Months 61 and thereafter	0.

"(B) TIMING.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) RECAPTURE EVENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) CESSATION OF DESIGNATION.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) SECRETARIAL WAIVER.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(b) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

(c) EXPENSING OF MEDICAL EQUIPMENT.—

(1) IN GENERAL.—Section 179 of the Internal Revenue Code of 1986 (relating to election to expense certain depreciable business assets) is amended—

(A) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) DOLLAR LIMITATION.—

"(A) GENERAL RULE.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) RURAL HEALTH CARE PROPERTY.—In the case of rural health care property, the

aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(B) by adding at the end of subsection (d) the following new paragraph:

"(11) RURAL HEALTH CARE PROPERTY.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5)).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

(d) DEDUCTION FOR STUDENT LOAN PAYMENTS BY MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

(1) INTEREST ON STUDENT LOANS NOT TREATED AS PERSONAL INTEREST.—Section 163(h)(2) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) any qualified medical education interest (within the meaning of subsection (k)).".

(2) QUALIFIED MEDICAL EDUCATION INTEREST DEFINED.—Section 163 of such Code (relating to interest expenses) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) QUALIFIED MEDICAL EDUCATION INTEREST OF MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—For purposes of subsection (h)(2)(F), the term 'qualified medical education interest' means an amount which bears the same ratio to the interest paid on qualified educational loans during the taxable year by an individual performing services under a qualified rural medical practice agreement as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified medical education interest for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED RURAL MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees—

"(i) in the case of a medical doctor, upon completion of the individual's residency (or internship if no residency is required), or

"(ii) in the case of a registered nurse, nurse practitioner, or physician's assistant, upon completion of the education to which the qualified education loan relates,

to perform full-time services as such a medical professional in the applicable rural community for a period of 24 consecutive months. An individual and an applicable rural community may elect to have the agreement apply for 36 consecutive months rather than 24 months.

"(B) SPECIAL RULE FOR COMPUTING PERIODS.—An individual shall be treated as meeting the 24 or 36 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within either such period, the individual performs full-time services as a medical doctor, registered nurse, nurse practitioner, or physician's assistant, whichever applies, in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means—

"(i) any political subdivision of a State which—

"(I) has a population of 5,000 or less, and

"(II) has a per capita income of $15,000 or less, or

"(ii) an Indian reservation which has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred—

"(i) as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), or

"(ii) in connection with courses of instruction at such an institution necessary for certification as a registered nurse, nurse practitioner, or physician's assistant, and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of subsection (h)(2)(F) for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of subsection (h)(2)(F)) for all preceding taxable years.

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'registered nurse', 'nurse practitioner', and 'physician's assistant' have the meaning given such terms by section 1861 of the Social Security Act.".

(3) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) INTEREST ON STUDENT LOANS OF RURAL HEALTH PROFESSIONALS.—The deduction allowable by reason of section 163(h)(2)(F) (relating to student loan payments of medical professionals practicing in rural areas).".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECTIVE DATE.

Unless specifically provided otherwise, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

SUMMARY OF S. 1215

The purpose of this legislation is to increase the number of primary care providers in order to improve the nation's health care access and contain health care spending. In addition, this legislation would draw primary care providers into rural underserved areas.

KEY COMPONENTS

Medicare graduate medical education payments [GME] are modified to increase the number of primary care providers by establishing three different per-resident payment categories and eliminating GME payments for fellowship specialty training.

Primary care residency programs receive a 150 percent GME payment for each of their residents and reimburse their residents 20 percent more than specialty residents as an incentive for medical students to enter primary care.

Community-based training of residents is encouraged through the formation of medical training consortia composed of medical schools, ambulatory training facilities, and teaching hospitals. Each consortium receives its GME payments to produce 50 percent primary care providers from the consortium medical school(s) and may use the GME funds at the medical school(s) as well as the residency training sites.

To encourage the formation of the consortium, specialty residency training positions affiliated with a consortium receive a 100 percent GME payment while other specialty programs receive an annually calculated lower amount.

In order to meet the short-term for primary care providers, Public Health Service funding for nurse practitioner and physician assistant education is increased.

States are encouraged to develop innovative ways to improve primary care through a primary care state demonstration grant program which evaluates the feasibility of retraining specialists as primary care providers and tests state mechanisms to enhance the delivery of primary care by nurse practitioners or physician assistants.

A new program in the Public Health Service is created to expand the number of community health clinics and other federally qualified clinics. Under this new program, regulations which inhibit the formation of these clinics in rural areas are removed.

The supply of primary care providers in rural areas would be expanded through increasing national health service corps funding and providing a variety of tax credits and deductions for such providers.

NEED FOR LEGISLATION

General Background

Consensus is growing in the health care and medical education communities that changes are needed in the way the United States trains doctors and other health professionals. Specifically, many are calling for changes in the financing of medical education to increase the production of primary care providers including physicians, nurse practitioners, and physician assistants.

The present system of health education has helped to produce a physician oversupply and to create an imbalance between subspecialists and primary care providers. These two problems are generally acknowledged to be a force behind high medical costs, as well as the shortage of providers in underserved areas.

Background on Current Financing of Graduate Medical Education

Currently, the biggest federal involvement in graduate medical education (GME) occurs through the Medicare program, which pays $5 billion annually to teaching hospitals to help them underwrite the cost of residency training. In addition, the Public Health Service currently allocates over $270 million to primary care residencies and allied

health, nursing, and medical schools. But, compared to Medicare GME, these funds are thought to have limited impact on the current supply and specialty-mix of the physician work force.

A serious problem in the current Medicare GME system is that payments are made to teaching hospitals on a blanket, per-resident and per-institution basis. As such, hospitals often administer residency positions to meet hospital service needs rather than community needs. Furthermore, hospitals transfer only a limited amount of money to community-based ambulatory care sites where most generalists receive their training.

Under the current Medicare GME system, funds are provided to teaching hospitals in two ways: First, Medicare provides direct medical education (DME) funding on a per-resident basis for the cost of stipends, faculty salaries, administrative expenses, and overhead. Second, Medicare also provides indirect medical education [IME] funding to pay for extra service costs incurred by teaching hospitals when residents treat Medicare patients. Medicare currently spends $1.2 billion annually for DME and $3.6 billion for IME, for a total of about $5 billion annually.

I. Primary Care Provider Education

Goal: Increase the number of primary care providers in order to improve the nation's health care access and contain health care spending through changes in Medicare GME and Public Health Service health professions training funding.

A. Medicare GME Weighting

1. Weight primary care residents as 1.5 FTE for the purposes of calculating DME payments. Health care training institutions receiving such payments shall pay primary care residents 20 percent more than nonprimary care residents. Such weighting and primary care residency payments should increase the number of quality training programs and provide short-term incentives for medical students to enter primary care.

2. Weight all nonprimary care residents affiliated with health care training consortia as 1.0 FTE for the purposes of DME payments. Maintaining the 1.0 FTE weight for nonprimary care residents in consortia should help induce the formation of such entities. (See description of consortia below under B(1).)

3. Annually calculate a weight for all nonprimary care residents not affiliated with a health care training consortia to maintain DME budget neutrality. As payments for primary care and health care training consortia increase, this weight would eventually become 0, and thus, the number of specialty training programs subsidized by Medicare DME would decrease. As a result, the current overproduction of specialists would decline.

4. Eliminate the .5 FTE weight Medicare currently applies to fellowship training positions. Such specialist physicians are currently in oversupply.

B. Expand Ambulatory Training Experiences

1. Begin DME payments to health care training consortia. Such consortia would be composed of medical school(s), teaching hospitals, and community-based ambulatory training sites (i.e., physicians offices or community and rural health clinics). The DME payments would be used by a consortium, at its sole discretion, to meet an outcome requirement of producing 50 percent primary care providers from the consortium medical school(s). In addition to increasing community-based ambulatory experiences, such consortia would lead to changes in the medical school environment which would influence medical students to enter primary care.

2. Require teaching hospitals which receive DME payments to account for the use of those funds for residency programs. Currently, many teaching hospitals which receive DME payments for their primary care programs do not transfer those funds to such programs. As such, primary care training programs often receive insufficient financial support.

3. Allow teaching hospitals to receive DME funding for training received by their residents in nonhospital-owned community-based training facilities such as rural health clinics and private physicians' offices. Residents trained in such settings have a greater tendency to practice in rural and other undeserved areas.

C. Other GME Changes

1. Establish a national average DME payment. For historical reasons, DME payments vary by hospital. As such, many residency programs may be overfunded, while others are underfunded.

2. Maintain GME budget neutrality by establishing a common GME fund with separate DME and IME subfunds. Transfer funds from the Medicare part A and part B trust funds in an amount equal to 1993 funding adjusted for inflation. In addition, protect the funding base for per-resident DME payments by increasing the DME fund, as needed, to cover the primary care and health care consortia weights, through a transfer of amounts from the IME subfund. As a result, teaching hospitals would be discouraged from increasing the number of their specialty training programs because IME service payments would decrease as the number of specialty training positions increase. Furthermore, protection of the DME funding base for primary care should encourage the formation of such positions.

3. Approve health care consortia and primary care training programs to receive increased DME weights. Based upon their curricula, the Health Resources and Services Administration, which currently oversees federal government health professions funding for primary care training programs, would approve primary care programs. HRSA would also approve health care training consortia, if such consortia train 50 percent primary care providers.

D. Nurse Practitioner and Physician Assistant Funding

1. Increase authorized funding for nurse practitioner and physician assistant training programs under Title VII and Title VIII of the Public Health Service Act. Increase the authorized funding for physician assistant programs to $11.25 million and for nurse practitioner programs to $25 million.

E. Establish Primary Care Demonstration Grants

1. Establish a $9 million demonstration grant program for states and nonprofit entities to examine mechanisms to increase primary care. Grantees could examine one of the following:

a. State mechanisms, including changes in the scope of practice laws, to enhance the delivery of primary care by nurse practitioners or physician assistants.

b. The feasibility of, and the most effective means to train subspecialists to deliver primary care as primary care providers.

F. Council on Graduate Medical Education

1. In addition to its current responsibilities, charge the Council on Graduate Medical Education to evaluate the changes created by this act. Authorize $8 million for this purpose.

II. Community Health Services Expansion

Goal: Increase federally funded primary care clinics in rural and other underserved areas.

A. New federal funding will be allocated for federally qualified health centers and community-based primary care clinics. Such centers would include community health centers and migrant health centers. In addition, rural health clinics, public health departments, and other local entities would be eligible to receive a portion of the $600 million authorized amount. Such clinics would not have to meet all of the requirements which currently apply to the community health center program.

III. Expanding the Supply of Primary Care Providers in Rural Areas

Goal: Provide financial incentives to draw primary care providers into rural underserved areas.

A. Significantly expand funding for the National Health Service Corps, a program to place doctors and other health professionals in underserved areas, in exchange for scholarship or loan repayment assistance. Authorization is $120 million for each of the next five years.

B. Allow a tax credit for physicians equal to $1,000 a month for practice in a rural health professions shortage area. Nurse practitioners and physician assistants will be eligible for a similar credit equal to $500 per month.

C. Provide additional tax incentives for rural practice including deductibility of National Health Service Corps loan repayments, the cost of basic medical equipment, and up to $5,000 of student loan interest payments.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1216. A bill to resolve the 107th meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation; to the Committee on Indian Affairs.

CROW SETTLEMENT ACT

• Mr. BAUCUS. Mr. President, I send a bill, the Crow Settlement Act, to the desk and ask that it be printed in the RECORD.

Last session, my colleague, Senator BURNS, and I made a good faith promise to the Crow Indian Tribe, a promise to help settle a century-old dispute that deprived the Crow Nation of 36,000 acres of land.

This land was promised by the Federal Government under the 1868 Fort Laramie Treaty. Yet, before they had the opportunity to begin settling upon this land, a surveying error stole away a significant piece of their reservation. Now, over 100 years later, the Crow Tribe is still seeking redress. It is time to correct this error, to compensate the Crow Tribe for what is rightfully theirs.

The disputed land is in the southeastern corner of Montana, north of the Wyoming border, south of the Yellowstone River. Under the Fort Laramie Treaty, the Crow Tribe's eastern boundary was designated as the 107th

meridian. Sixteen years later, the Northern Cheyenne Reservation was established with a western boundary as the 107th meridian. The two tribes lived as neighbors, sharing a common boundary. But in 1889–91, a U.S. surveying team erroneously drew the eastern boundary of the Crow Reservation one-fourth mile to the west. The Crow Tribe lost 36,000 acres of their tribal lands. Yet, this error was not discovered until the 1950's.

Throughout the intervening 60 years, patents to the minerals on these lands were given out to the Northern Cheyenne, Crow, and other holders. Almost 13,000 acres of the Crow Tribe's original land has been settled by the Northern Cheyenne Tribe.

Boundaries established by treaty constitute a solemn promise to a tribe by the U.S. Government, a promise of land to be given to the tribe in perpetuity. The land above, and the natural resources below, belong to the tribe. No one has the right to take away what is legally the Crows.

Introduction of this bill is one more step toward fixing a 100-year-old mistake. This bill is the product of lengthy negotiations among the Crow and Northern Cheyenne Tribes, Federal agencies, and the State of Montana. It provides a broad framework that may hold the key to a final resolution of this dispute. The bill has several provisions to compensate the Crow Tribe for the land they lost while not disrupting the Northern Cheyenne who have settled on the 13,000 acres they thought, in good faith, was theirs.

Like so many bills introduced in this body, this legislation is not a finished product. It will almost certainly be refined through both the Indian Affairs and Energy and Natural Resources Committees. But this bill is a step in the right direction.

I believe this bill holds the promise for an equitable settlement. This bill is not perfect; and this process is far from over. This legislation will seriously impact the Crow, Northern Cheyenne, the U.S. Government, and the people of Montana. During the process, everyone will have a chance to be heard.

Senator BURNS and I look forward to working with all parties to bring this issue to a close, to reverse the mistakes of history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crow Settlement Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) PURPOSE.—The purpose of this Act is to settle the dispute created by the Federal Government's erroneous survey of the eastern boundary of the Crow Indian Reservation and to resolve various other issues pertaining to the Crow Indian Reservation.

(b) FINDINGS.—

(1) Under the Fort Laramie Treaty of 1868 (15 Stat. 649), the eastern boundary of the Crow Indian Reservation was established as the 107th Meridian for approximately 90 miles from the Yellowstone River to the boundary between Montana and Wyoming.

(2) Under 1884 and 1900 Executive orders, the western boundary of the Northern Cheyenne Reservation was established as the 107th Meridian. The 107th Meridian is the common boundary between the Crow and Northern Cheyenne Reservations for approximately 25 miles.

(3) From 1889 through 1891, a survey was conducted of the eastern boundary of the Crow Reservation. Instead of following the true 107th Meridian, the 1891 survey line strayed to the west. As a result of the erroneous survey, approximately 36,164 acres were excluded from the Crow Indian Reservation of which approximately 12,964 acres were included in the Northern Cheyenne Indian Reservation. Vast deposits of low sulphur coal underlie the land excluded from the Crow Indian Reservation including the land included in the Northern Cheyenne Indian Reservation.

(4) The erroneous nature of the survey was not discovered for several decades. Meanwhile, the areas along the 107th Meridian to the north and south of the Northern Cheyenne Indian Reservation were opened to settlement in the late 1800's and early 1900's. Patents were issued to non-Indians and to the State of Montana for most of the surface land and a significant portion of the minerals in these areas between the 107th Meridian and the erroneous 1891 survey line. The 12,964 acres erroneously included in the Northern Cheyenne Reservation have been treated as part of the Northern Cheyenne Reservation and occupied by the Northern Cheyenne Tribe, Northern Cheyenne allottees and their successors in interest.

(5) Following the discovery of the erroneous 1891 survey line in the 1950's, bills to resolve the 107th Meridian boundary dispute were introduced in Congress in the 1960's and 1970's, but no bill was enacted into law.

(6) In 1966, the United States completed construction of Yellowtail Dam on the Crow Indian Reservation as part of the Pick-Sloan Missouri Basin Program. The Pick-Sloan Missouri Basin Program also included the Hardin Bench Irrigation Unit and other irrigation projects on the Crow Indian Reservation which have not yet been constructed.

(7) The operation of the Yellowtail Afterbay Dam by the Bureau of Reclamation has resulted in a significant water quality problem on the Big Horn River within the Crow Indian Reservation. Construction of a power plant and related facilities at the existing Yellowtail Afterbay Dam will solve that problem.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Crow Tribe" means the Crow Tribe of Indians, the duly recognized governing body of the Crow Indian Reservation.

(2) The term "disputed area" means the land, approximately 36,165 acres, including the minerals, located between the 107th Meridian and the 1891 survey line.

(3) The term "1891 survey line" means the erroneous boundary line resulting from the survey of the 107th Meridian which was completed in 1891.

(4) The term "Northern Cheyenne Tribe" means the Northern Cheyenne Tribe of Indians, the duly recognized governing body of the Northern Cheyenne Indian Reservation.

(5) The term "107th Meridian boundary dispute" means the dispute resulting from the disparity between the locations of the 107th Meridian and the 1891 survey line.

(6) The term "parcel No. 1" means the land, approximately 11,317 acres, including all minerals, within the area bounded on the south by the Montana/Wyoming border, on the east by the 107th Meridian, on the north by the extension to the west of the southern boundary of the Northern Cheyenne Indian Reservation and on the west by the 1891 survey line.

(7) The term "parcel No. 2" means the land, approximately 12,964 acres, including all minerals, within the area bounded on the south by the extension to the west of the southern boundary of the Northern Cheyenne Indian Reservation, on the east by the 107th Meridian, on the north by the extension to the west of the northern boundary of the Northern Cheyenne Indian Reservation and on the west by the 1891 survey line.

(8) The term "parcel No. 3" means the land, approximately 2,469 acres, including all minerals, within the area bounded on the south by the extension to the west of the northern boundary of the Northern Cheyenne Indian Reservation, on the east by the 107th Meridian, on the north by the northern boundary of the Crow Indian Reservation and on the west by the 1891 survey line.

(9) The term "parcel No. 4" means the land, approximately 9,415 acres, including all minerals, within the area bounded on the south by the northern boundary of the Crow Indian Reservation, on the east by the 107th Meridian, on the north by the midpoint of the Yellowstone River and on the west by the 1891 survey line.

(10) The word "Secretary" means the Secretary of the Interior.

(11) The term "undisposed of coal" means coal which has not been conveyed to private parties or to the State of Montana by the United States.

(12) The term "undisposed of land" means surface land which has not been conveyed to private parties or to the State of Montana by the United States.

(13) The term "undisposed of oil, gas, coal methane or other minerals" means oil, gas, coal methane or other minerals except coal, which have not been conveyed to private parties or to the State of Montana by the United States.

SEC. 4. AUTHORITY TO SETTLE.

(a) CONTRACT WITH CROW TRIBE.—Subject to the terms and conditions of this Act, the Secretary shall enter into a contract with the Crow Tribe providing for the settlement of the 107th Meridian boundary dispute and other issues pertaining to the Crow Indian Reservation.

(b) CONTRACT WITH NORTHERN CHEYENNE TRIBE.—Subject to the terms and conditions of this Act, the Secretary shall enter into a contract with the Northern Cheyenne Tribe to resolve the issues with respect to the property within parcel No. 2.

(c) ENFORCEMENT OF CONTRACTS.—The contracts authorized in subsections (a) and (b) shall be enforceable pursuant to subchapter II of chapter 5 of title 5, United States Code, or, where the remedies available under that Act do not provide adequate or complete relief, pursuant to section 1505 of title 28, United States Code.

SEC. 5. TERMS AND CONDITIONS OF SETTLEMENT CONTRACTS.

(a) CROW/NORTHERN CHEYENNE SETTLEMENT.—The contracts with the Crow and

Northern Cheyenne Tribes referred to in section 4 shall include the following terms and conditions with respect to the property within parcel No. 2:

(1) The surface boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 1891 survey line and the ownership of the surface lands within parcel No. 2 shall be recognized as being vested in the United States in trust for the sole use and benefit of the Northern Cheyenne Tribe, Northern Cheyenne allottees or their successors in interest or other persons whose claims, rights, or interests are based on the 1891 survey line.

(2) With respect to the coal and other minerals within parcel No. 2 except for oil, gas, and coal methane, the boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 1891 survey line and the ownership of such minerals shall be vested in the United States in trust for the sole use and benefit of the Northern Cheyenne Tribe.

(3) With respect to oil, gas, and coal methane within parcel No. 2, the boundary between the Crow and Northern Cheyenne Indian Reservations shall be the 107th Meridian and the ownership of such oil, gas and coal methane shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe.

(4) The funds held in escrow by the Bureau of Indian Affairs derived from the lands and minerals within parcel No. 2, together with all of the interest earned on such funds, shall be divided equally between the Crow and Northern Cheyenne Tribes and may be used by each tribe for such purposes as it may determine.

(5) A disclaimer and relinquishment by the Crow Tribe of all right, title, claim or interest in the land and minerals within parcel No. 2 described in paragraphs (1) and (2), and to one-half of the funds described in paragraph (4), and a disclaimer and relinquishment by the Northern Cheyenne Tribe of all right, title, claim or interest in the minerals within parcel No. 2 described in paragraph (3), and to one-half of the funds described in paragraph (4).

(6) A release by the Northern Cheyenne Tribe of all persons and entities, including the United States and the Crow Tribe, for any and all liability arising out of the erroneous survey of the 107th Meridian, and a release by the Crow Tribe of all persons and entities, including the United States and the Northern Cheyenne Tribe, for any and all liability arising from the erroneous survey of the 107th Meridian.

(b) PROPERTY WITHIN PARCEL NOS. 1, 3 AND 4.—The contract with the Crow Tribe referred to in section 4 shall include the following terms and conditions with respect to the property within parcel Nos. 1, 3 and 4:

(1) Title to the undisposed of coal within parcel No. 1 shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and such coal shall be recognized as part of the Crow Indian Reservation.

(2) Title to the undisposed of surface lands within parcel Nos. 1, 3 and 4 shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and such land shall be recognized as part of the Crow Indian Reservation. Notwithstanding the preceding provisions of this paragraph, the State of Montana shall retain the same civil and criminal authority over such lands in Parcel No. 4 that it currently has over lands restored to the Tribe under the Act of May 19, 1958, (72 Stat. 121).

(3) Title to the undisposed of oil, gas, coal methane or other minerals within parcel Nos. 1, 3 and 4 shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and such minerals shall be recognized as part of the Crow Indian Reservation.

(4) A disclaimer and relinquishment by the Crow Tribe of all right, title, claim or interest in all the lands and minerals within parcel Nos. 1, 3 and 4, except for the rights, titles and interests recognized as beneficially owned by the Crow Tribe in paragraphs (1), (2) and (3).

(5) A release by the Crow Tribe of all persons and entities, including the United States, for any and all liability arising from the erroneous survey of the 107th Meridian.

(c) EXCHANGE OF PUBLIC LANDS.—As part of the settlement of the 107th Meridian boundary dispute with the Crow Tribe, the contract with the Crow Tribe referred to in section 4 shall include the following land exchange provisions:

(1) The Secretary shall negotiate with the State of Montana for the purpose of exchanging public lands within the State of Montana for up to approximately 46,625 acres of State trust lands within the Crow Indian Reservation and the disputed area. The value of the public lands and State trust lands exchanged pursuant to this provision shall be substantially equal. The value of improvements on such lands shall be given due consideration. Lands exchanged shall be selected so that the financial impact on local governments, if any, will be minimized. The Secretary shall provide such financial and other assistance to the State of Montana as may be necessary to obtain the appraisals and other administrative requirements necessary to accomplish this exchange. Upon the approval by the Secretary and the State of Montana of an exchange pursuant to this paragraph, the Secretary is authorized to receive title to such State trust lands involved in the exchange on behalf of the United States and to transfer title to the public lands involved in the exchange to the State of Montana by such means of conveyance as the Secretary deems appropriate. State trust lands acquired pursuant to the exchange shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be deemed part of the Crow Indian Reservation.

(2) If, for any reason, the exchange for all or any portion of the State trust lands described in paragraph (1) is not completed within 5 years from the date of enactment of this Act, at the request of and in cooperation with the Crow Tribe, the Secretary shall develop and implement a program to provide the Crow Tribe with land in an amount sufficient to make up the difference between the value of all the State trust lands within the Crow Indian Reservation and the disputed area and the value of any State trust lands exchanged and acquired pursuant to paragraph (1). In carrying out this program, the Secretary is authorized to transfer title to public lands within the State of Montana to the Crow Tribe and to exchange public lands within the State of Montana for private lands of substantially equal value within the Crow Indian Reservation. The value of improvements on all such lands shall be given due consideration. Title to the public lands transferred pursuant to this paragraph, other than by exchange, and to the private lands acquired pursuant to this paragraph shall be vested in the United States in trust for the sole use and benefit of the Crow Tribe and shall be deemed part of the Crow Indian Reservation. Notwithstanding the preceding provisions of this paragraph, the State of Montana shall retain civil and criminal authority over the surface only of any such lands in the event that any such lands are not contiguous to the existing Crow Reservation, which authority shall not be exclusive.

(d) YELLOWTAIL AFTERBAY POWER PLANT.—As part of the settlement of the 107th Meridian boundary dispute with the Crow Tribe and to bring the Federal Government's operation of Yellowtail Afterbay Dam into compliance with applicable water quality standards, the Secretary, subject to the availability of funds, shall construct and operate a power plant and bypass at the Yellowtail Afterbay Dam. The cost of constructing such power plant and bypass shall be nonreimbursable. The Secretary, in consultation and cooperation with the Secretary of Energy and the Crow Tribe, is authorized to sell or to make arrangements for the sale or marketing of the power generated at the Yellowtail Afterbay Dam to produce maximum revenues. Revenues from the sale of power generated at that power plant shall first be used to defray the costs incurred in the operation, maintenance and repair of the plant. The contract with the Crow Tribe referred to in section 4 of this Act shall provide that the remainder of the revenues from the sale of such power shall be transferred to the Crow Tribe and used for such purposes as the Crow Tribe may determine, subject to the Secretary's approval. Notwithstanding the preceding sentence, the Crow Tribe, may, in its discretion, elect to utilize any portion of the power generated at the Yellowtail Afterbay Dam in lieu of receiving the revenues produced by the sale of that power.

(e) CROW TRIBAL TRUST FUND.—

(1) There is established in the Treasury of the United States a revolving account to be known as the "Crow Tribal Trust Account".

(2) Amounts in the Crow Tribal Trust Account shall be available, without fiscal year limitations, to the Secretary for distribution to the Crow Tribe in accordance with section 6(b), and other provisions of this Act.

(3) The Crow Tribal Trust Account shall consist of such amounts as are appropriated to it in accordance with the authorizations provided by this Act.

(4) As part of the settlement of the 107th Meridian boundary dispute and other issues pertaining to the Crow Indian Reservation, in the contract with the Crow Tribe referred to in section 4 of this Act, the Secretary, on behalf of the United States, shall pay, from moneys appropriated pursuant to this Act, into the Crow Tribal Trust Account $10,000,000 for fiscal year 1994, and each of the next following 9 fiscal years.

(f) ADDITIONAL CONTRIBUTIONS TO CROW TRIBAL TRUST FUND.—In addition to the amounts authorized to be appropriated in subsection (e)(4), as part of the settlement of the 107th Meridian boundary dispute and other issues pertaining to the Crow Indian Reservation, in the contract with the Crow Tribe referred to in section 4 of this Act, the Secretary, on behalf of the United States, subject to the availability of moneys appropriated pursuant to this Act, shall pay the following amounts into the Crow Tribal Trust Account:

(1) Commencing with fiscal year 1994 and each fiscal year thereafter, an amount which shall be nonreimbursable and nonreturnable and equal to the amounts of royalties received and retained by the United States during the previous fiscal year from the East Decker, West Decker and Spring Creek coal mines in the State of Montana for the life of those mines, including any extensions of the existing leases or expansions to adjacent or

nearby coal deposits owned by the Federal Government.

(2) Commencing with fiscal year 1994, and each fiscal year thereafter, an amount, which shall be nonreimbursable and nonreturnable, equal to the receipts from all deposits to the United States Treasury for the preceding fiscal year from the sale of power generated at Yellowtail Dam.

SEC. 6. ADMINISTRATION OF CROW TRIBAL TRUST FUND.

(a) INVESTMENT.—All sums deposited in, accruing to and remaining in the Crow Tribal Trust Account, shall be invested by the Secretary of the Treasury in interest-bearing deposits and securities in accordance with the Act of June 24, 1938 (52 Stat. 1037, 25 U.S.C. 162a).

(b) DISTRIBUTION OF INTEREST.—Only the interest received on moneys in the Crow Tribal Trust Account shall be available for distribution to the Crow Tribe, and then only for use for education, land acquisition, economic development, youth and elderly programs and other tribal purposes in accordance with plans and budgets developed by the Crow Tribe and approved by the Secretary; except that, subject to the Secretary's approval, up to 25 percent of the moneys in the Crow Tribal Trust Account at any time may be pledged by the Crow Tribe as security for commercial loans for economic development projects on or near the Crow Indian Reservation. No part of any moneys in the Crow Tribal Trust Account or of the interest earned on moneys in the Crow Tribal Account shall be distributed to members of the Crow Tribe on a per capita basis.

(c) INTEREST ADJUSTMENTS.—(1) If and to the extent that any portion of the sums described in section 5(e)(4) are appropriated after fiscal year 1994 and the following 9 fiscal years or in lesser amounts than provided in section 5(e)(4), there shall be deposited in the Crow Tribal Trust Fund, subject to appropriations, in addition to the full contributions, adjustments representing the interest income, as determined by the Secretary in his sole discretion, that would have been earned on any unpaid amounts had the amounts authorized in section 5(e)(4) been appropriated in full at the beginning of each fiscal year for fiscal years 1994 through 2003.

(2) If and to the extent that any portion of the sums described in sections 5(f)(1) and 5(f)(2) are appropriated and deposited in the Crow Tribal Trust Fund more than 60 days after the close of the preceding fiscal year or in lesser amounts than provided in those subsections, there shall be deposited in the Crow Tribal Trust Fund, subject to appropriations, in addition to the full contributions, adjustments representing the interest income, as determined by the Secretary in his sole discretion, that would have been earned on any unpaid amounts had the amounts authorized in sections 5(f)(1) and 5(f)(2) been appropriated and deposited in full in a timely manner.

SEC. 7. CROW IRRIGATION PROJECT.

At such time as the settlement contract between the Crow Tribe and the Secretary becomes effective, the authority of the Bureau of Reclamation to construct and operate the Hardin Bench, Little Horn, Custer Bench, Wyola, Benteen Flat, Battlefield and Crow Irrigation Projects on the Crow Indian Reservation as part of the Pick-Sloan Missouri River Basin Program is revoked; except that nothing in this Act shall affect the reserved water rights appurtenant to any lands within the Crow Indian Reservation.

SEC. 8. ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.

No payments pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Crow Tribe, the Northern Cheyenne Tribe or any of their members, to which they are entitled, or eligible because of their status as federally recognized Indian tribes or members of such tribes. No payments pursuant to this Act shall be subject to Federal or State income tax.

SEC. 9. EXCHANGES OF LAND AND MINERALS.

Subject to the Secretary's approval, the Crow Tribe is authorized to exchange any of the Crow Tribe's land or minerals within the disputed area recognized or obtained pursuant to paragraphs (1), (2), and (3) of section 5(b), or paragraph (1) of section 5(c) or any of the Crow Tribe's land obtained pursuant to paragraph (2) of section 5(c) for other land or minerals of substantially equivalent value within the Crow Indian Reservation. Lands or minerals received by the tribe in such exchange shall be considered to be vested in the United States in trust for the sole use and benefit of the Crow Tribe and a part of its reservation. Lands and minerals received by a non-Indian in such exchange shall be considered to be owned in fee.

SEC. 10. EFFECTIVENESS CONTRACTS.

The contracts entered into by the Crow Tribe and the Northern Cheyenne Tribe pursuant to this Act providing for the settlement of the 107th Meridian dispute and other issues pertaining to the Crow Indian Reservation shall not take effect until the contracts are approved and executed in accordance with the requirements and procedures set forth in each tribe's constitution.

SEC. 11. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums as may be required to implement the provisions of this Act.●

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. SASSER, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. GRAHAM, Mr. PELL, Mr. KENNEDY, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. HEFLIN, Mr. MITCHELL, Mr. BURNS, Mr. COATS, Mr. THURMOND, Mr. PRESSLER, Mr. LUGAR, Mr. COCHRAN, Mr. GLENN, Mr. DOLE, Mr. WOFFORD, Mr. LEVIN, Mr. METZENBAUM, Mr. MATHEWS, Mr. SIMON, Mr. D'AMATO, Mr. MURKOWSKI, Mr. MACK, Mr. REID, Mr. BIDEN, Mr. LOTT, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. CAMPBELL, Mr. EXON, Mrs. FEINSTEIN, Mr. FORD, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PRYOR, and Mr. SARBANES):

S.J. Res. 111. A joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

Mr. DECONCINI. Mr. President, as chairman of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, I am pleased to introduce today, together with several of my colleagues, a joint resolution to authorize and request the President to designate August 1, 1993, as "Helsinki Human Rights Day."

On August 1, 1975, the leaders of 35 countries gathered in Helsinki to sign the final act of the Conference on Security and Cooperation in Europe [CSCE], also referred to as the Helsinki accords. This agreement launched a dynamic process which has contributed to the positive changes which have occurred in Europe in recent year. The Final Act, the seminal document of this process, covers major aspects of East-West relations, including military security, trade, economic cooperation, environment, scientific and cultural exchanges, as well as human rights and fundamental freedoms.

Membership in CSCE has grown significantly in light of sweeping political developments in Europe, including the demise of the Soviet Union and the former Yugoslavia. Today, 53 countries are participants in the CSCE process—51 Eurasian States, Canada, and the United States.

Human rights remains the cornerstone of the CSCE process. The participating States have recognized that human rights and fundamental freedoms are the birthright of all human beings and that protection and promotion of these rights is the first responsibility of government. The CSCE remains firmly committed to human rights, democracy, and the rule of law, and has encouraged peaceful change through free and fair elections.

Over the years, the CSCE has inspired individuals and groups to speak out on behalf of those denied their human rights. It has also served as a useful forum in which individual human rights cases could be raised. Hundreds of political prisoners have been released and thousands of families reunited as a result of pressure brought to bear within the framework of the Helsinki process. It has also been successful in chipping away at the barriers which artificially divided Europe for decades. We can be proud of our record of strong support for the CSCE.

Today, Europe is attempting to liberate itself from the legacy of the past, though problems persist. Of particular concern is the threat posed by ethnic strife in Nagorno-Karabakh, Moldova, the former Yugoslavia, and elsewhere. The CSCE can play an instrumental role in addressing this issue and others which have serious consequences for the future of Europe. In addition, it can further contribute to the political and economic transition taking place in much of East-Central Europe and the former Soviet Union.

The resolution we introduce today reaffirms our commitment to the Helsinki Accords and the vital importance of respect for human rights and fundamental freedoms in advancing security and cooperation in Europe.

Mr. President, I urge my colleagues to support the timely adoption of this

joint resolution and ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 111

Whereas August 1, 1993, is the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia-Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and threatens stability and security in Europe;

Whereas growing ethnic tensions, civil unrest, and egregious human rights violations in several of the newly admitted CSCE states, most notably in Tajikistan, are resulting in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1993, the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

• Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Senate joint resolution designating August 1, 1993 as "Helsinki Human Rights Day." As a past Chairman and as the ranking Republican Senator on the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I have been, and I remain, a dedicated advocate of human rights and for the principles enunciated in the Helsinki accords and subsequent Helsinki process documents. Accordingly, it is a pleasure for me once again to cosponsor this annual resolution.

It would be more of a pleasure if the human rights principles set forth in the Helsinki accords and subsequent documents were being faithfully respected in and by all participating states. Clearly, this is not now the case.

The most dramatic violations of human rights have occurred and are still occurring in the former Yugoslavia. In fact, the brutal violation of human rights has been so widespread and flagrant that the United Nations has authorized the creation of an international war crimes tribunal for the first time since the end of World War II to try those accused of committing war crimes during the course of the Yugoslav conflict.

The Yugoslav situation is different in kind from the problems the Helsinki process faced when I served as Chairman in the mid-1980's. Then, our task was to press the Soviet Union and its Warsaw Pact allies to respect the commitments they made when they signed the Helsinki accords. While difficult, this was a task we knew how to accomplish. Through unrelenting public diplomacy and adroit private diplomacy, we made gains and had a real positive impact.

In fact, many of the leaders of the new Eastern European democracies have publicly acknowledged that our work helped them when they were persecuted dissidents, and helped keep alive hope of eventual liberation from Communist domination. In short, I believe that the Helsinki process was a substantial factor in the moral defeat of communism.

Once communism's moral authority was destroyed, so was its political legitimacy. After that, all that was left inside the hollow shell of the Communist utopian dream was the machinery of totalitarian oppression and a fundamentally flawed economic system, grinding down to collapse.

The Bosnia and Herzegovina chapter of the Yugoslav conflict is different from that situation in almost every important way. The principal violators of human rights are not the organs of an established totalitarian state, working to keep its subjects under control. In contrast, in the former Yugoslavia, the worst violators, to the extent that media reports are accurate, appear not to be army or police forces of any of the successor states to the Yugoslav Republic. Instead, they appear to be loosely organized ethnic militias, the worst of which are reportedly no more than organized criminal gangs operating under the color of virulent ethnic partisanship in or on the edges of zones controlled by their sponsoring states' more formally organized forces.

Of course, the sponsoring states claim they do not control the militias, which allegedly arose spontaneously to defend their homes and families in the intercommunal war now raging there. They claim they do not contenance or participate in the abuses we've all seen reported in the media. I do not believe their claims.

Serbia, in its drive to achieve its cherished goal, the creation of Greater Serbia, has, in my judgment, by far the most blood on its hands. The media have done an outstanding job—a job the international community has not taken on with anything like the vigor it deserves—of documenting the atrocities and outrages committed in the guise of ethnic cleansing. I believe Serbian President Milosevic and his cronies are at least morally responsible for the policy of ethnic cleansing, and should be held legally responsible for crimes committed to advance that policy.

I am deeply disappointed that the world community has chosen not to lift the arms embargo against Bosnia and Herzegovina and that this administration has backed away from its strike-and-lift position. I believe that, with dynamic leadership, we could have convinced our European allies that something needed to be done forcefully to stop the Bosnian horror.

Now, the world has accepted the results of the ethnic cleansing of Bosnia's Moslems and is prepared to ratify the results of this genocidal campaign through an internationally sanctioned peace settlement between the parties in conflict. I find this abhorrent.

In fact, I will predict that the international community is repeating a historic mistake—appeasing a conqueror because it is too hard to confront him. Slobodan Milosevic will not be deterred from creating Greater Serbia by world acceptance of the dismemberment by armed force of Bosnia and Herzegovina. In fact, it will merely encourage him.

If the world would not come to the armed assistance of Bosnia, a declared and internationally recognized independent state, how will the world respond to pleas for help from Kosovo, a province of Serbia, when its ethnically Albanian majority, which comprises approximately 90 percent of the population, is driven from its homes or killed by ultranationalist Serbs? The

United States will find itself in a particularly difficult position. President Bush declared that the United States would not accept the ethnic cleansing of Kosovo, and President Clinton has declared his agreement with that statement of U.S. policy.

Once the world tolerates genocide and ratifies the facts on the ground these war crimes created, it is hard to find a circumstance that would drive the world to consensus in support of armed intervention in Kosovo to halt more ethnic cleansing. Then, the United States could be left either to intervene unilaterally, a task that is becoming more difficult with every closed base and disestablished military unit, or to find words to retreat from a policy we won't back with military force.

The world community appears to be treating the negotiations to finally end the Bosnian conflict—son-of-Vance-Owen—as the end of the Yugoslav conflict. They appear to believe that once the disputes between the Moslems, Croats, and Serbs are settled in and around Bosnia, the world can relax.

I believe this is a mistake. I believe that the conflict will not be over until either Greater Serbia is established by force, or Serbia is militarily defeated and the war criminals are apprehended, tried, convicted, and punished. However historically justified the Serbians may believe their aspirations to a Greater Serbia are, in fact they are nothing more than a pretext for conquest and genocide. If the world does not condemn these conquests, and forcefully punish those who committed crimes to ethnically cleanse the conquered territories, much more blood will be spilled in the Balkans.

Unfortunately, the CSCE can do little more than send observers to affected areas. The tools we used against the Soviets and their allies in the mid-1980's, public diplomacy and private pressure, don't appear to apply here—people actively engaged in genocide don't embarrass or pressure easily. We can't shame them before the world community and threaten to cut off trade and other international intercourse with them. In this case, because of the conflict, the United Nations has already authorized almost every possible step short of armed attack on Serbia, and it has not stopped them.

Now, the Serbs have refused to renew the mandate for CSCE observers to remain in Kosovo and has said that it wants them out. They have not yet left. I believe the CSCE signatory states should make as public an effort as possible to press Serbia to renew the observers' mandate. Once they are gone, one of the few remaining barriers, flimsy as it is, to the ethnic cleansing of Kosovo will be removed, and the Balkans will be one step closer to a wider war.

I spoke earlier this year on the consequences a wider Balkan war could have for the United States. The consequences are all bad. Rather than whistling past the Balkan graveyard, as we are doing with son-of-Vance-Owen, we should be actively and very publicly working to prevent an expanded war.

One of the lessons of this situation for the new administration is that Teddy Roosevelt was right—we should "speak softly and carry a big stick." As the new administration's defense budget cuts whittle our big stick smaller and smaller, we have to speak louder and louder in international affairs to get our point across. As the new administration cuts U.S. military capabilities, it also cuts the credibility of our diplomacy when we must deal with the world's bullies and aggressors.

Our performance so far in the Yugoslav tragedy does not inspire international confidence. We have taken positions and then fallen off of them. We have not been able to persuade our traditional allies to follow our lead. I believe that we could regain some of the ground we have lost by taking a more resolute approach to preventing an expanded Balkan war.

The Helsinki process can help the parties to the conflict return to peaceful relations with each other. However, because the present situation is one of armed conflict, the consensus-based Helsinki process cannot operate well. Once the conflict is over, and the parties see that they must live as neighbors again, the principles of the Helsinki accords and related documents provide useful guides for moving from war to a more durable peace.

Mr. President, because of the sad and violent context of this year's Helsinki Human Rights Day, I believe that it is all the more necessary for us to proclaim our continued devotion to the cause of human rights and our continued support for the Helsinki process. I urge my colleagues to join in support and vote for this resolution.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. CONRAD, his name was withdrawn as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Ohio [Mr. GLENN], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. ROTH], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 103

At the request of Mr. NICKLES, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 106

At the request of Mr. HATCH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 106, a bill to modernize the United States Customs Service.

S. 185

At the request of Mr. GLENN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 208

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 427

At the request of Mr. MITCHELL, the name of the Senator from Washington

[Mrs. MURRAY] was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 487

At the request of Mr. MITCHELL, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 519

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II ballistic missile program.

S. 520

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 520, a bill to prohibit the expenditure of appropriated funds on the advanced solid rocket motor program.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Utah [Mr. BENNETT], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such act with respect to the health and safety of employees, and for other purposes.

S. 802

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 802, a bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for U.S. forces, and for other purposes.

S. 823

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 823, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 920

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 920, a bill to amend the Higher Education Act of 1965 to simplify the delivery of student loans to borrowers and eliminate borrower confusion; to provide a variety of repayment plans, including income contingent repayment through the EXCEL account, to borrowers so that they have flexibility in managing their student loan repayment obligations, and so that those obligations do not foreclose community service-oriented career choices for those borrowers; to replace, through an orderly transition, the Federal Family Education Loan Program with the Federal Direct Student Loan Program; to avoid the unnecessary cost, to taxpayers and borrowers, and administrative complexity associated with the Federal Family Education Loan Program through the use of a direct student loan program; and for other purposes.

S. 937

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 937, a bill to provide for a 1-year delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act.

S. 985

At the request of Mr. INOUYE, the names of the Senator from Missouri [Mr. BOND] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such act.

S. 1063

At the request of Mr. HATCH, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1151

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1151, a bill to facilitate the flow of credit to small business by easing certain regulatory burdens on depository institutions, to require analysis of such burdens and their effectiveness, and for other purposes.

S. 1210

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1210, a bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes.

SENATE JOINT RESOLUTION 35

At the request of Mr. PRESSLER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 35, a joint resolution to designate the month of November 1993, and the month of November 1994, each as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nevada [Mr. BRYAN], the Senator from Tennessee [Mr. SASSER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Ohio [Mr. GLENN], the Senator from California [Mrs. BOXER], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator

from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. AKAKA], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Montana [Mr. BAUCUS], the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Florida [Mr. MACK], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. COATS], the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KOHL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PELL], the Senator from Colorado [Mr. CAMPBELL], the Senator from West Virginia [Mr. BYRD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Michigan [Mr. LEVIN], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. PACKWOOD, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. DECONCINI], the Senator from Arizona [Mr. MCCAIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Colorado [Mr. BROWN], the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. DOLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Maine [Mr. COHEN], the Senator from Michigan [Mr. LEVIN], the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Tennessee [Mr. SASSER], the Senator from Utah [Mr. HATCH], the Senator from Washington [Mr. GORTON], the Senator from Wisconsin [Mr. KOHL], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to commemorate the sesquicentennial of the Oregon Trail.

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Ohio [Mr. GLENN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Louisiana [Mr. BREAUX], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Montana [Mr. BAUCUS], the Senator from Arkansas [Mr. PRYOR], the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. PACKWOOD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. BURNS], the Senator from Utah [Mr. HATCH], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. SASSER, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Ohio [Mr. GLENN], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], the Senator from Arkansas [Mr. PRYOR], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. CONRAD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. BRYAN], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Vermont [Mr. LEAHY], the Senator from Nevada [Mr. REID], the Senator from Wisconsin [Mr. KOHL], the Senator from Maine [Mr. COHEN], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mrs. HUTCHISON], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. COATS], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mr. DOLE], the Senator from New York [Mr. D'AMATO], the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. CRAIG], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 102, a joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DANFORTH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay Round of trade negotiations.

AMENDMENTS SUBMITTED

HATCH ACT REFORM ACT

ROTH AMENDMENT NO. 563

Mr. ROTH proposed an amendment to the bill (S. 185) to amend title 5, United States Code, to restore Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; as follows:

On page 20, strike lines 2 through 10 and insert:

"An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 318, the Outer Continental Shelf Deep Water Royalty Relief Act and S. 727, the California Ocean Protection Act of 1993.

The hearing will take place on Tuesday, August 3, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Heather Hart.

For further information, please contact Lisa Vehmas of the committee staff at 202–224–7555.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on July 14, 1993, to hear different perspectives, from Federal employees and others on the recurring problems with bureaucracy, rising costs, inflexibility, and over reliance on private contractors of the Federal Government.

The hearing is scheduled for 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Kim Weaver, subcommittee counsel, on 224–2254.

SUBCOMMITTEE ON OVERSIGHT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on S. 885, a bill to modify congressional restrictions, on gifts, on Monday, July 19, 1993, at 2 p.m. in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Thursday, July 15, 1993, beginning at 9:30 a.m. in 485 Russell Senate Office Building on the nomination of Ada Deer to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 13, 1993, at 3 p.m., in open session, to consider the nomination of Mr. John H. Dalton to be the Secretary of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, July 13, 1993, at 10 a.m. to hold a hearing on the nominations of Arthur Levitt, Jr., to be Chairman of the Securities and Exchange Commission; and Joseph Stiglitz and Alan Blinder to be members of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on July 13, 1993, at 2:30 p.m. on the nomination of Jolene M. Molitoris to be administrator of the Federal Railroad Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 13, 1993, at 2:30 p.m. to hold ambassadorial nomination hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO NAINOA THOMPSON

• Mr. INOUYE. Mr. President, I rise today to recognize with great respect and admiration, Nainoa Thompson, first navigator of the Polynesian Voyaging Society.

Sailing from Hawaii to Tahiti and back to the Hokule'a, a twin-hulled fiber glass replica of an ancient Polynesian canoe, Mr. Thompson used the stars, sea, and sky as his only guides. Over thousands of miles, with little sleep, he proved that this could have been the way that Hawaii was originally discovered and settled by ancient Polynesians.

Having completed several similar voyages, each time demonstrating that the impossible was possible, Mr. Thompson now embarks on a journey of the utmost importance. Using the same skill of navigation without instruments, he will attempt to navigate a traditionally built vessel. This new canoe, the Hawaiiloa, is being constructed by hand of ohia hardwood and native vines and plants. In 1996, Mr. Thompson and his crew will set sail on the ultimate voyage, a journey that will certainly bring much pride to native Hawaiians.

Other members of the Thompson family have made significant contributions to native Hawaiian culture and people. Mr. Myron Thompson, Nainoa's father, is a trustee of the Kamehameha Schools/Bernice Pauahi Bishop Estate and is a strong advocate of native Hawaiians. He often comes before congressional committees to testify on the special needs of native Hawaiians. His dedication has resulted in the development and passage of legislation instrumental to the betterment of native Hawaiians.

Just recently, the Thompson family, came to Washington to meet with my staff and the staff at the National Air and Space Administration to discuss the Hawaiiloa's 1996 voyage and the possibilities it may have for our future in space. It is with much pleasure that I note that the Washington Post wrote a wonderful article describing Nainoa's dedication and perseverance and about his visit to our Nation's Capital.

I ask that the article be printed in the RECORD.

The article follows:

NAVIGATOR VOYAGES TO PACIFIC'S PAST WITH EYE TO FUTURE

(By Angus Phillips)

Nainoa Thompson reckons you can't frame the future without understanding the past. He's concerned about tomorrow, so for the past 20 years he's been plumbing 2,000 years

of Hawaiian history, much of which has been lost in the crush of modernization.

In his quest, Thompson, 40, first navigator of Polynesian Voyaging Society, has lain awake nights on the wide Pacific, plotting a sailing course between his native Hawaii and Tahiti with no instruments, using only the stars, the moon, the rising and setting sun and the feel of his twin-hulled sailing canoe in trade winds and sea.

He's waited weeks for the right weather to make a difficult easterly passage from Samoa to the Cook Islands, 711 miles in eight days; and another from the Cook Islands to Tahiti in seven days, going 600 miles against the prevailing winds. He's covered thousands of miles on sea passages with only his senses and instincts to steer by.

Thompson's aim in all this was to show how Hawaii likely was settled, as part of what he believes was an aggressive, eastward migration of seafarers from the South China Sea through Polynesia more than two millenniums ago. But how did the original explorers manage upwind passages of 1,000 miles or more in primitive craft without any navigation tools—no charts, compasses, sextants, not even timepieces?

The only way to find out, Thompson believed, was to try it. So off he set, four times since 1976, at first guided by one of the last masters of primitive navigation in the Pacific, Mao Piailug of Micronesia, then on his own with the lives of his volunteer crew in his hands.

In 1980, on the second voyage of the sailing canoe Hokulea, a 60-foot fiberglass replica of a primitive Polynesian voyaging catamaran, Thompson was the rookie navigator for a Hawaiian crew sailing to Tahiti and back by the "star compass" Piailug had taught him to draw in his head.

Following the changing picture of the night sky he'd memorized at Piailug's direction, Thompson led his crew to their destination in 28 days, a month during which he slept no more than two hours a day, and only in 10-minute bursts, he said.

In 1985–87, he navigated Hokulea more than 16,000 miles through the Polynesian Triangle, to Tahiti, the Cook Islands, New Zealand and Samoa—all without instruments of any kind in what was dubbed "The Voyage of Rediscovery." And last year he took her to a Pacific Arts Festival in Raritonga, where he met other Polynesian seafarers who'd been inspired by Hokulea's success to retrace the voyages of their forebears.

Now Thompson and the Polynesian Voyaging Society are embarking on another journey. Next month they will launch the first true replica of an ancient Polynesian voyaging canoe, the 60-foot, twin-hulled Hawaiiloa, made from hollowed tree trunks, masts of ohia hardwood and sails and rigging of native vines and leaves.

The project, funded by federal grants through the native Hawaiian Culture and Arts Program, aims to determine whether a primitive, heavy, underpowered vessel with no navigational equipment could have made the 1,800-mile passage from the Marquesas to Hawaii, as some believe the first Hawaiian settlers did.

But Thompson, who was in Washington last week to update federal officials on the project, said he's got a long way to go before Hawaiiloa is ready for sea.

"She's two tons overweight," he said, as her builders struggle to make the vessel powerful enough to course through the Pacific's great swells without risking breaking up in heavy weather.

Sea trials at the end of July should provide hints where weight can be cut without peril, he said. Then Hawaiiloa goes back in the shop for modifications. The voyage is slated for 1995.

By then, Thompson hopes to have fully trained a half-dozen more disciples in the art of steering by star compass, and will leave the burdens of sleepless navigation to others.

He already is moving on to the second half of his equation—using the lessons of the past to apply toward solving problems of the future.

The early voyages of Hokulea were warmly received by Hawaiians, who like many native American people, Thompson said, lack pride in their lost cultural heritage. The explorations, said Thompson, depicted their forebears as vigorous explorers, rather than hapless drifters who washed up on distant shores by accident.

When Hokulea reached Tahiti the first time, she was nearly swamped by enthusiastic Polynesians celebrating her success, and other Pacific island nations have since built replicas of traditional craft as a means of exploring their heritage and rediscovering their past.

That's a plus for the people of the Pacific, whose way of life has been buried under the barrage of Western culture in the past 150 years, said Thompson.

On a grander scale, he believes the world at large is heading for hard times, with population and consumption rising perilously and no new land or seas to turn to.

Thompson reckons humanity is on a threshold much like the one that beckoned Polynesian explorers thousands of years ago. Where his forebears put out boldly into a trackless sea, man has now just begun to explore the wilderness of space.

That's a place he knows well, said Thompson, whose stops in Washington last week included a visit with Daniel Goldin, administrator for the National Aeronautics and Space Administration who was a supporter of Hokulea's last voyage.

Space voyagers are guided by the very same heavenly bodies he has followed at sea, said Thompson. The past is prologue.●

TRIBUTE TO DR. LAMAN A. GRAY, JR.

● Mr. MCCONNELL. Mr. President, I rise today to honor a Kentuckian who has spent his life healing others. Dr. Laman A. Gray, Jr., of Louisville, KY, is recognized as one of the premier cardiovascular surgeons in the world.

Dr. Gray, currently director of Division of Thoracic and Cardiovascular Surgery at the University of Louisville, has long been a pioneer in his field. In 1984, he performed the Commonwealth of Kentucky's first heart transplant. One of his many fortes has been the development of mechanical devices that can aid weak hearts, allowing patients the extra time they so desperately need. His high energy level and foresight help him tremendously in this area.

Mr. President, Dr. Gray wins high praise from his colleagues for his work ethic as well as his humble, low-key attitude. In a profession where egos can sometimes run amuck he is cherished for his interest in his associates progress and success. In fact, Dr. Gray and his group are currently working on a mechanical heart device known as the Novacor left ventricular assist device which is completely implanted in the patient's chest. This would allow patients to enjoy the benefit of a mechanical aid without the troubles of being reliant on a cumbersome outside device.

Dr. Gray continues to contribute to the medical field outside of the operating rooms and research labs as well. He is professor of surgery at the University of Louisville. His students are residents being trained to the thoracic and cardiovascular surgeons. He lists as his goals in teaching these students not only helping them learn surgical fundamentals but also how to think and appreciate problems and perhaps most importantly, how to successfully combine skill and judgment.

These are lessons Dr. Gray has learned well over the years. He lists the traits for a surgeon as including "being technically exceptional, smart, able to make decisions, and compassionate toward the patients and their families." In addition, due to the evolving nature of medicine, Dr. Gray never stops learning and preparing in order to stay current in a field where state of the art can and does save lives.

Mr. President, I ask my colleagues to join me in recognizing this outstanding native Louisvillian for his continuing contributions to the health and welfare of our society. In addition, I request that an article from the June 14, 1993, edition of Business First be included at this point.

The article follows:

MR. FIX-IT: GRAY AT HOME IN OPERATING ROOM, GARAGE

(By Eric Benmour)

When heart surgeon Laman Gray Jr. was growing up in Louisville, he took apart a car, wired his parents' house for sound and repaired a television.

Gray, 53, has built model ships, complete with riggings, and is currently rebuilding a 1935 Packard automobile.

"Laman is a mechanical genius," says his sister, Sandy Schreiber.

His natural talent for building and fixing, combined with the fact his father was a doctor, helped steer him into his chosen field.

As a heart surgeon, he performs bypasses and does surgery on valves; he performed Kentucky's first transplant in 1984; and he is involved in research with mechanical devices that can help weak hearts survive.

Gray is the director of the division of thoracic and cardiovascular surgery at the University of Louisville Department of Surgery. He is also a professor of surgery.

He conducts his research as part of his work with the School of Medicine, with financial help from Jewish Hospital.

"Dr. Gray is highly regarded as one of the premiere cardio-vascular surgeons in the world," says Henry Wagner, president and chief executive officer of Jewish Hospital HealthCare Services Inc.

Gray has an "insatiable interest in understanding how things work," Wagner says. "He's very much the engineer."

When asked to comment on a statement Gray made about being very "content" in his job, Wagner says: "He may be content, but

he has a high level of energy and he's never satisfied with what was done yesterday. He's always looking ahead to see how it can be done better."

At medical trade shows, Gray will look at "new gadgets," says Dr. Brian Ganzel, a heart surgeon who is a partner in a private practice with Gray.

The same behavior occurs when Gray goes to antique-car shows.

"He trolls the aisles and looks for parts for his car," Ganzel says.

He says Gray is very interested in research and supports the efforts of the other members of the private-practice group. In addition to Gray and Ganzel, the members are: Erle H. Austin III, Samuel B. Pollock, Jr., A. David Slater and Paul A. Spence. Like Gray, all of the group's members are affiliated with the university and involved in research.

One member, A. David Slater, is heading up a project in which muscle from the back is wrapped around the heart and stimulated in synchronicity with the heart so it will help strengthen the heart.

"He's not threatened by his associates being as good as he is," says Becky Adams, vice president for the Jewish Hospital Heart and Lung Institute. "He is very humble, very low-key."

Adams and others say the heart surgeon is modest, almost shy.

This trait was something he was born with, not a feature of his parents or only sibling who were more outgoing, his sister says.

But what Gray did learn growing up was medicine. His mother, Alice, was a nurse. His father, Laman Gray Sr., was a gynecologist. He died in 1992 at the age of 84. Alice Gray, 82, is still living.

"My father used to take us to hospitals on Sundays," says Schreiber, an antique appraiser.

In addition to going to the hospital with her father, Sandy Schreiber recalls travelling to Batesville, Ark., where their paternal grandfather was a physician.

While there, the youngsters used to visit a hospital in Batesville—run by their grandmother.

"We used to roller skate in the halls," Schreiber says. "It was like a home."

She says that made medicine a fun part of their lives, not something to fear, as it can be for some children.

"I decided I wanted to go into medicine when I was in college," Gray Jr. says. "I was always interested in science."

Working on the heart appealed to him because of his interest in working with his hands.

When he was doing his general surgery residency and his thoracic and cardiovascular surgery residency at the University of Michigan, from 1968 to 1974, the school was performing heart transplants.

Gray says he kept up with the progress of transplants when he returned to Louisville in 1974, as an assistant professor of surgery at U of L. Gray Sr. had moved from Arkansas to Louisville to take a teaching position at U of L.

Gray says he spent a "tremendous amount" of time preparing for his first heart transplant in 1984. Gray continues to be involved in the transplant surgery, but now, Ganzel is chief of the heart and lung transplant program.

In addition, Gray teaches students and residents in his work with U of L. He says working with them is "really intellectually very, very stimulating."

The residents are being trained to be thoracic (involving the chest, specifically the lungs) and cardiovascular surgeons. They are all five years out of medical school and are board-certified general surgeons. They study at U of L for two additional years.

"They really keep you on your toes," Gray says. "that's what I enjoy a tremendous amount. If you say you do something, they're going to ask you why. They're always probing and asking you questions which make you think."

Gray says he teaches them not only the fundamentals of surgery, but how to think and appreciate problems—how to combine skill and judgment.

He says judgment is crucial during an operation.

"There are never two cases the same," Gray says. "When you start operating or dealing with a clinical problem, everything is different. Everybody is slightly different. You have to make decisions about where the bypasses should go, which ones you should and shouldn't do.

"In the valves you have to decide which valves to put in, how to take out the old valves."

His group repairs a lot of heart valves.

"Frequently in surgery, one step cascades to the next. It's like a maze," Gray says.

Gray lists a variety of skills and traits that a good surgeon must have, including being technically exceptional; smart; able to make decisions; and compassionate toward the patients and their families.

While Gray has these skills and traits, he says he never stops learning. He can't rely solely on what he was taught in medical school because so many procedures and techniques have changed.

"You have to keep state of the art," Gray says.

Gray is helping redefine state of the art through his research on mechanical heart devices.

In March 1992, Business First reported on one such device that Gray implanted in a patient waiting for a transplant. She later received a heart and is doing well.

Gray says he is excited about the prospects for the mechanical heart, the "Novacor Left Ventricular Assist Device," because it is completely implanted in the patient's chest.

Now, the device is hooked to a large console. Eventually, Gray thinks the device can be implanted inside the patient's chest, with no wires coming out.

The Novacor would be powered by a battery source worn around the patient's waist, Gray says.

Gray was also a researcher on a product called the BVS 5000 Bi-Ventricular Support System made by Abiomed Inc. of Danvers, Mass.

The U.S. Food and Drug Administration has approved the device for sale in the United States. The BVS 5000 is a temporary-assist device intended to support the circulation in patients whose hearts have become too damaged to pump sufficient blood, according to Abiomed.

Gray's work with the device at Jewish Hospital was one of 11 sites where the BVS 5000 underwent testing.

Bruce J. Shook, vice president of clinical and regulatory affairs for Abiomed, has high praise for Gray.

"He's very open-minded, willing to try new things," Shook says. He says Gray is known in the cardiac-surgery world as being "on the cutting edge."

When asked why he does such research work, Gray says he wants to contribute to medicine of the future.

When asked how he keeps all his work straight, Gray says: "It's fun" and laughs.

"He feels fortunate and he feels blessed," says his wife, Julie. They have been married since 1967. They have three daughters: Juliet, 23, Alice, 20, and Virginia, 16.

Gray says one of his great rewards is seeing the improvements in people after heart surgery. He speaks about transplants in particular.

Before surgery, patients are "on their last legs. You do the transplants and in three months they're leading a normal life. And I mean, normal life. That is gratifying. It's so dramatic."

Gray says a typical morning for him begins with the alarm going off at 6:35.

"I'm usually in the hospital by about 10 minutes after 7," Gray says. And by 7:30 a.m., he's performing a bypass or valve surgery.

Gray says he normally finishes his first case by 11 a.m.

He then visits patients, beginning his second procedure around 1 p.m., finishing between 4 and 5 p.m. He usually gets home by 7:30 in the evening.

This doesn't include weekend hours or the time he is on call in case of emergency.

Nor does it include transplants, which can take five or six hours of surgery at a time.

When asked how he keeps alert during such a long procedure, Gray says: "You usually have a lot of adrenaline going. You get tired. (He laughs.) There isn't any question about it. It can be very grueling."

His sister says she is worried about her brother's health. She says his diet consists of peanut butter on crackers and Cokes. He doesn't exercise, either.

"He's in terrible shape physically," she says. "He sleeps very little."

Gray admits he should eat better and stay in better physical shape, but says he doesn't have time to exercise. His wife says he also doesn't like to exercise, especially after a long day.

His sister says she can't recall him being sick, other than an occasional cold.

Gray says he talks to patients about the importance of exercise and recognizes some inconsistencies between his comments to them and his actions.

"But I'm trying to make the effort," he says. His wife bought him an exercise bicycle.

"I'm trying to get better," Gray says.

As for his diet, he says it's bad. But he says he rarely has time for lunch and usually nibbles on food at the hospital.

Despite all the work with his hands, he says the only time he hurt himself was when he got thrown off a horse at a Wyoming dude ranch. He's gone there with his family every summer for the past 12 years.

"We always ride horses," Gray says. "I got thrown once and hurt my wrist. That slowed me down a little bit. I put my hand in a cast, took it off for surgery and put it back afterwards."

That was about 10 years ago.

Gray says he is very careful around the tools he uses in his garage.

Otherwise, not much slows him down. He admits, however, that being a heart surgeon can be very stressful because every decision has to be the right one.

And he sweats the details.

One morning recently, Gray faced a difficult case, says Mary Sue Carroll, clinical coordinator for the surgeon and his partners.

"He was almost antsy," Carroll says. "He was thinking about how tough it was going to be. It wasn't an element of fear. It's an element of thinking of all the details."

Gray says: "I relieve my stress because I have a lot of hobbies. What relaxes me most,

currently, is working on my car, which is a '35 Packard (that he is restoring). I really enjoy doing that."

Previously, he built a model ship complete with riggings. He also built a computerized model train.

In addition, Gray is a pilot. He says he takes his flying very seriously by keeping up-to-date with training.

He owns a twin-engine plane that he keeps at Bowman Field.

Gray, who learned how to fly when he was 17, says he has logged more than 2,000 hours as a pilot.

Gray flies his own plane within 1,000 miles. Otherwise, he flies commercial airlines.

"He likes to be busy," wife Julie says.

When he gets home at night, he wants to forget about work.

"His family is very important to him," Ganzel says. "We have to drag him to evening meetings during the week."

Gray says a good surgeon has to be committed to his work, which includes long hours.

The result can be sacrificing some personal things, he says.

"I think your family sacrifices, too. There's no question about it. I certainly wasn't at home with my family as much as I should have been."

His wife says Gray made a point to make it home for the family dinners, however.

Gray says his daughters may not have decided to follow him into medicine because of the long hours. But the heart surgeon has passed on many interests to his offspring, Julie Gray says.

For example, he taught them about photography and how to use his darkroom. In addition, Alice took a course in Medical ethics.

"They had long conversations about that," Julie says.

But none of them has shown an interest in flying, Gray says.

Despite the stress and long hours, Gray says he has no plans to retire.

"That would be boring," he says with a laugh.●

MR. DOLAN ELLIS, OFFICIAL ARIZONA BALLADEER

● Mr. McCAIN. Mr. President, the good work that Mr. Dolan Ellis is doing as the official Arizona balladeer was recently brought to my attention. I would like to thank Mr. Ellis for all his years of service to our great State of Arizona.

Mr. President, I understand that Mr. Ellis has been the Arizona balladeer for the last 25 years under the appointment of 8 Governors; and that last year alone he performed for over 40,000 elementary schoolchildren in 100 Arizona schools teaching them Arizona history, folklore, and environmental awareness. Mr. President, Mr. Ellis' care and concern for Arizona's culture and environment is to be commended.

Mr. President, I would like Mr. Ellis to know how much I appreciate his commitment to Arizona. I am pleased to have brought Mr. Ellis to the attention of the Senate and I wish him every success in the future.●

TRIBUTE TO DON WESELY

● Mr. DURENBERGER. Mr. President, it is an honor for me to recognize my constituent Don Wesely for his many years of volunteer service. When I look at all that he has given to the city of Owatonna, MN, I am reminded of the true spirit and meaning of the term "public service."

While we debate the future course of the United States here on the floor of the Senate, individuals such as Don are making both our small towns and large cities better places in which to live. He and others like him are living proof that perhaps the solution to the problems which we face is not to be found solely on Capitol Hill, but also within those who have devoted themselves to helping those in need.

At a time when America is searching for a renewed sense of community, Don continues to exhibit qualities which enrich us all. He gives freely of himself without thought of personal gain or recognition, and his generous spirit of volunteerism has touched more lives than any of us can possibly imagine.●

TRIBUTE TO DIXON

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Dixon in Webster County, KY.

Dixon, a small town nestled in the rolling hills of western Kentucky coal country, has a population of only 552. This small size is an asset to those who live in Dixon. Small town values are an ingrained tradition in this fine community. Due to their town's relative size, residents of Dixon enjoy the uncommon ability of knowing everyone else. This close-knit atmosphere is unmistakably an enviable quality that all communities should be able to possess.

Despite its small size, Dixon is not without its share of notable marks on history. Dixon was originally named after Archibald Dixon, a Lieutenant Governor and U.S. Senator from Henderson. In addition, the first settler of the region, William Jenkins, built a stagecoach inn known as Halfway House soon after he arrived in 1794. This resting place served as the important midpoint along the treacherous route between St. Louis and Nashville. Additionally, Dixon has been home to some very famous individuals. Poet, dramatist, and novelist Cale Young Rice was born in 1872 in Dixon. Frank Ramsey, a former University of Kentucky and Boston Celtic basketball star, currently resides in Dixon.

Dixon is a town with much to offer and I applaud its residents for maintaining small town traditions and values. It is far too often that communities lose touch with the many positive qualities of this healthy culture.

Mr. President, I respectfully request that a recent article from the Louisville Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

DIXON

(By Cynthia Crossley Eagles)

Chances are you'll never make it to Dixon. Western Kentucky, perhaps, but not Dixon.

Chances are that if you got to Western Kentucky you'd just go gliding by on the Western Kentucky Parkway or the Pennyrile Parkway and never give Dixon a second thought.

If so, here's what you'd miss:

A bank that's run by former University of Kentucky and Boston Celtics star Frank Ramsey.

A 90-year-old former school superintendent, Virgil Waggener, who last October was forced by illness to stop riding his blind old mare bareback to round up his cows.

A library where the assistant librarian, affectionately described as "Aunt Bea in Combat Boots," gets after people who leave overdue books and don't pay the fines.

"I got $17 off one lady," said Judy Taylor. "And I chased one man to his car."

Then there's Charlie Bridwell, who most people know as "Hooter." He ambles back and forth between the loafers at the hardware store and the loafers on the courthouse benches across the street. If a coal truck happens to be bearing down on him as he crosses, Hooter just holds up his hand—and the truck stops.

And, of course, there's Luke, the big stray black and brown dog who has a cameo role in the daily routine around town. Luke's schedule on a recent day included a snooze at a downtown service station, followed by a nap at City Hall, followed by a doze at the fire station.

Luke's route depends on where city water superintendent Larry Parrish is going that day in his truck.

Dixon is a little town full of characters, and residents seem to love it that way. Everybody knows everyone else, which is hardly a surprise given the population of about 550.

Thus when someone sits on the couch in Ramsey's office at the Dixon Bank and asks him about a loan, Ramsey usually knows their family history.

"You know almost the whole genealogy of the family," said Ramsey, who went to the NBA in 1953 after he graduated from UK, then returned to his home in nearby Madisonville upon his retirement.

Such familiarity also makes most people feel safe in Dixon. To hear people tell it, no one locks their doors and everyone seems to leave their car keys in the ignition.

When residents go on vacation, says Peggy Poole, the city clerk, "you just tell the neighbor to feed the dog and off you go."

But familiarity can magnify tragedy, and the area has had more than its share.

Badly shaken by the 1989 Pyro mine disaster, in which 10 men died, the county now must cope with a fresh wound—the deaths of four teen-agers and the serious injuries of five more in an oil-tank explosion last Friday. The teens, all of whom were from Webster County, had gathered at the tank for an early Fourth of July party.

Four of the men who died in the Pyro blast were from Webster County. Those killed were part of a crew dismantling a mining machine at the William Station mine, just north of Wheatcroft, where explosive levels of methane had built up.

Coal production has resumed, although it's flowing from a new shaft and the mine is now called Caney Creek. The mine is operated by Costain Coal Inc., which had acquired Pyro shortly before the blast. But the tragedy remains fresh in people's minds as

developments occur in the federal criminal cases stemming from the disaster.

"This community was in shock for quite a while," said Dixon Mayor Jimmy Layne Frederick. "It was just hard to absorb. I had a friend myself who worked in that mine, had just come out on the same shift."

Said Webster County Judge-Executive James Townsend, "It just kinda tore the community up for a while. It was a two-fold sadness, since the mine superintendents and some involved in upper management. . . were getting blamed for what happened, and they lost family members also."

Yet there are also many people who think Webster County may be faced with mine tragedies in the future, as long as coal continues to play a big role in the local economy. Coal is the county's biggest employer, and Townsend says the severance tax alone provides about $1 million of the county's $4.8 million annual budget.

For those who don't work in the mines, jobs may be found in nearby Henderson or across the Ohio River in Evansville, Ind. Mayor Frederick commutes 48 miles to work—an hour-long trip, he says—to the Alcoa plant in Newburgh, Ind. Others commute to work at Evansville's Whirlpool plant.

That helps explain why a coal county has single-digit unemployment and a per capita income well above the state average. But despite positive economic figures, downtown Dixon has withered. The population of Providence, in Southern Webster County is seven-and-a-half times that of Dixon, making that town the retail center for the county. Providence has clothing stores, some fast-food restaurants and a car dealer.

Dixon has one grocery store, a hardware store, a convenience store, a gas station and two family-style restaurants. Even though it is the county seat, Dixon lacks even the usual string of law offices around its courthouse.

While other towns work to lure industry, Dixon spent a year just trying to get a drugstore to replace the town's only pharmacy whose long-time owner had retired. The recruitment effort failed.

"We contacted a school of pharmacy in Lexington, thinking someone right out of school would be interested. And we were offering a building," Frederick said. "But the big chains offer $50,000 to $55,000 a year, and you can't make that here."

Now Dixon doesn't plan to try for any industry—or anything else—until the town gets a sewer system. One is in the works for next year, to be built by the county. While most residents seem to see the need to end reliance on septic tanks, some older residents fear the increase in their utility bills. But they acknowledge that a sewer system might bring growth which might also bring a few stores within walking distance of their neighborhoods.

A recent visitor heard a lot of gripes about the lack of a grocery store, dry-goods store or convenience store "downtown." Webster Countians say they have to go to Madisonville or Henderson to find some things.

But there is a grocery store less than a mile from downtown, although it's on a road that seems unsafe for pedestrians because of its coal-truck traffic. And Charlie's Mini-Mart, located about a half-mile south of "downtown" Dixon, is also on the main road.

"I thought Dixon wanted a mini-mart, but eventually I realized they didn't," said owner Charlie Greenwood. "The lottery helps (bring customers in). But there are still people who don't realize we're here."

And that's in spite of the fact that Greenwood's store features the rear end of his son's 1975 Lincoln Continental. The creative auto salvage came about three years ago after the Lincoln caught fire because of a carburetor leak, Greenwood said. The fire destroyed all but the rear end, which was cut off the car and bolted onto the building. Greenwood added some Christmas lights, which he leaves on year-round to attract attention.

But now Greenwood is trying to sell the store because he's tired of working seven days a week for what he said amounts to $7,000 a year, after taxes. He has had trouble selling it because of its underground gasoline storage tanks. No one wants the headache of getting them to meet the government's environmental standards, he said.

Meanwhile, what is within walking distance of most neighborhoods is Dixon Hardware, owned and operated by Bill Winstead and his family. Dixon Hardware can help you out if you're in need of a lawn mower, a plastic pipe elbow, a fan belt, a new screen, a popcorn popper or some bean or corn seed. Dixon Hardware can also fix you up if you need a 50-pound bag of "Fat Cat Fish Food," a two-cup aluminum percolator, a 10-quart ceramic and steel dish pan, or a new doorbell.

"Give your guests a happy feeling even before they step inside," says the sign on the sales rack for the "Ring-A-Tune" doorbell. "Never-ending favorite songs of the American People, (including) 'Oh! Susannah!,' 'William Tell Overture,' and 'Battle Hymn of the Republic.'"

"We try to be as old-timey as we can get," said salesclerk Claude Winstead, who is Bill's uncle.

And there is some "development" just outside of Dixon. General contractor Mike Walker of Sebree is building a golf course development that he says will include 18-hole and nine-hole courses, riding and walking trails, a pay fishing lake and home sites. The nine-hole course at "Wildwood" and a clubhouse are already finished.

While Walker says he expects to draw golfers from the Henderson, Evansville and Madisonville areas, he grinned when a visitor suggested that his plan seemed ambitious.

"You're being kind," Walker said. "Other people have said I'm crazy."

FAMOUS FACTS AND FIGURES

Dixon, incorporated in 1861, was named for Archibald Dixon, a U.S. Senator and Lieutenant governor from Henderson who died in 1876. Webster County, created in 1860 from parts of Henderson, Hopkins and Union counties, is named for Daniel Webster, the famous New England orator and lawyer.

The man considered to be the first settler in the area, William Jenkins, built a stagecoach Inn five miles north of Dixon shortly after he arrived in 1794. Jenkins called his Inn the Halfway House to reflect its location on the Indian trail between Nashville and St. Louis. Jenkins was captured by a band of Indians around 1800. Local lore says he befriended the Indians during his seven-year stay; in return they pulled all the hair from his head to keep another tribe from scalping him.

Poet, novelist and dramatist Cale Young Rice was born in Dixon in 1872. His works include the book "From Dusk to Dusk" and an autobiography, "Bridging the Years." A poem, "The Mystic," won recognition in the United States and in England. In 1902, Rice, then living in Louisville, married another Louisvillian, Alice Hegan, author of the book "Mrs. Wiggs of the Cabbage Patch." Rice died in 1943, less then a year after his wife. The house where he was born is owned by state Rep. Dorsey Ridley.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

● Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for G. Robert Wallace, a member of the staff of Senator JOHNSTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 7–21, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Wallace in this program.

The select committee received notification under rule 35 for Benjamin S. Cooper and Raymond M. Paul member of the staff of Senator JOHNSTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs from August 7–21, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cooper or Mr. Paul in this program.

The select committee received notification under rule 35 for Margaret Cummisky, a member of the staff of Senator INOUYE, to participate in a program in Indonesia, sponsored by the Indonesian Parliament, from August 20–September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cummisky in this program.

The select committee received notification under rule 35 for Anne Smith, a member of the staff of Senator HELMS, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from July 3–9, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Smith in this program.

The select committee received notification under rule 35 for Christine Ferguson, a member of the staff of Senator CHAFEE, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would

prohibit participation by Ms. Ferguson in this program.

The select committee received notification under rule 35 for Paul Offner, a member of the staff of Senator MOYNIHAN, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Offner in this program.

The select committee received notification under rule 35 for Roy Ramthun, a member of the staff of Senator PACKWOOD, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ramthum in this program.

The select committee received notification under rule 35 for Ellen R. Shaffer, a member of the staff of Senator WELLSTONE, to participate in a program in France, sponsored by the German Marshall Fund of the United States and the Franco-American Foundation from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Shaffer in this program.

The select committee received notification under rule 35 for Michael Hodson, a member of the staff of Senator PRYOR, to participate in a program in Japan, sponsored by the Association for Communication of Transcultural Study, from July 4–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hodson in this program.

The select committee received notification under rule 35 for Darrel Jodrey, a member of the staff of Senator WOFFORD, to participate in a program in France, sponsored by the Franco-American Foundation and the German Marshall Fund of the United States, from July 3–11, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Jodrey in this program.•

REMARKS OF AMBASSADOR JOSEPH VERNER REED

• Mr. MOYNIHAN. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD remarks which the distinguished Ambassador Joseph Verner Reed delivered at the inaugural ceremony of the 89th Inter-Parliamentary Conference in New Delhi on April 12, 1993. I believe that my colleagues will find of great use these remarks and those of Secretary-General Boutros Boutros-Ghali which Ambassador Reed delivered to the conference.

The remarks follow:

REMARKS BY AMBASSADOR JOSEPH VERNER REED, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS FOR PUBLIC AFFAIRS, AND FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS, DR. BOUTROS BOUTROS-GHALI, AT THE INAUGURAL CEREMONY OF THE 89TH INTER-PARLIAMENTARY CONFERENCE

ARMS REDUCTION, TRANSPARENCY, AND COLLECTIVE SECURITY: THE EMERGING INTERNATIONAL FRAMEWORK

Mr. President, Mr. Vice-President, Mr. Prime Minister, Mr. Speaker, Mr. President of the Inter-Parliamentary Council, Excellencies, Distinguished Delegates and Guests, it is a great honour and personal pleasure for me to be here to represent, Dr. Boutros Boutros-Ghali, the Secretary-General of the United Nations, at this very important 89th Inter-Parliamentary Conference.

It is an even greater pleasure because the Conference is being held in New Delhi, the capital of a country that I love dearly and have great respect for. In more than two decades I have had the great pleasure of visiting India often, both in an official and in a private capacity. I have prided myself on my friendship with many of India's great Statesmen, Leaders and Diplomats, both here and in Washington. I freely confess that I have learned a great deal from their wisdom and sagacity.

Throughout the years I have been connected with the United Nations and with the Government of the United States. I have followed India's role in the United Nations with great admiration. India's skillful leadership of the Group of Non-Aligned Countries and her active and dynamic diplomacy at the Parliament of Man have earned my deepest admiration and respect.

One of the things that I admire most about India is that it is and continues to remain the world's largest democracy. And, India is a vital force in today's changing world.

A democratic form of Government, as you Parliamentarians know very well, is, despite its many problems, the only one that can satisfy the aspirations of people everywhere.

When I last had the privilege of being with you in Stockholm less than eight months ago, I expressed optimism at the growing number of democracies and democratically-elected Governments in the world. Today, alas, the picture is a little more sombre.

We are now at a critical juncture in international relations when many countries are suffering from the after-effects of the end of the Cold War. Some of them are in a particularly difficult situation, and are being tempted to give up their democratic rights and freedoms as they struggle to come to grips with the problems of the Post-Cold War era.

It is therefore, all the more commendable, that India, despite the many problems that it is currently facing, has maintained its democratic traditions and values with exemplary steadfastness and courage. This is the great legacy left to India and its people by the founding fathers of the Modern Indian Nation, and I sincerely hope that it will be a legacy that is preserved for the benefit of generations yet to come.

I salute India's devotion to democracy and wish India and the Indian people every success in the future.

It now gives me great pleasure to present a portion of the message of the Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, to the 89th Inter-Parliamentary Conference.

"Few aspects of international life have changed more profoundly in recent years than the pursuit of arms regulation and disarmament. A decade ago we were in the midst of a deadly arms race that was threatening to spin out of control. Military expenditures worldwide were rising dramatically. The nuclear arms race was preparing to spread to outer space. There was widespread public apprehension and justified alarm over the seemingly relentless build-up in both nuclear and conventional military forces.

"Much has changed, we have now pulled back from the nuclear armageddon. A new spirit of cooperation prevails. Significant progress has been achieved in a number of important areas. In particular, there have been impressive accomplishments in reducing strategic and nuclear weapons. The United States and the Russian Federation have concluded ten bilateral agreements. In the world's most heavily armed region—Europe—disarmament has already begun to encompass conventional weapons, and the process is gaining momentum.

"These are significant trends which deserve and require our encouragement and support.

"Although we have taken some necessary and important strides in dealing with the global threat created by the proliferation of nuclear, chemical, and biological weapons of mass destruction, the world remains a dangerous place. As the spectre of nuclear annihilation has receded, we are not beginning to appreciate the high social, political, and human cost of our having saturated the globe with an overabundance of conventional arms.

"The situation is troubling when we consider that not only have arms sales increased dramatically over the past three decades, but so too has the level of sophistication and fire-power of the conventional arms being transferred. Buyers have increasingly demanded more sophisticated, state-of-the-art weaponry. Supplying countries, sensitive to increased competition, have increasingly been willing to sell such weaponry.

"Without the external constraints on conflicts which the Cold War imposed, the terrible consequences of our having successfully blanketed the globe with arms are now being brutally brought home to us. Rivalries, conflicts, and long suppressed ambitions have burst violently into the open. Armed with destructive new weaponry, localized and regional grievances have developed into matters of international significance and concern. In Cambodia, Western Sahara, Southern Africa, Somalia, in the territory of the former Yugoslavia, in the Middle East, and elsewhere, the results are plain for all to see.

"The end of the Cold War has made conventional arms limitation an urgent priority. We must now take advantage of the fact that the end of the Cold War has also made conventional arms limitation a realistic possibility.

"In my report entitled "New Dimensions of Arms Regulation and Disarmament in the Post-Cold War Era" I noted that the time had come for the practical integration of disarmament and arms regulation issues into the broader structure of the international peace and security agenda. My report also noted that it was now necessary to take a global approach to the process of disarmament. Lastly the report urged that we build upon and revitalize past achievements in arms regulations and arms reduction. Our

practical objective is now clear: We must achieve greater overall security at lower levels of armaments.

"In that connection your role as Parliamentarians is crucial. I appeal to you to work for and to support the important confidence-building efforts now underway. By actively encouraging your respective Governments, and by helping to build support among your fellow citizens, you can each have a positive and very practical impact on the work now underway. As elected representatives and parliamentarians from around the world, your support for this great endeavour can demonstrate in the most forceful way possible the powerful and inescapable link between the paramount human requirements of disarmament, development, and democracy."

That, distinguished guests, was the synopsis of the message of the Secretary-General. The full text of the message of the Secretary-General will be available to you shortly.

Mr. President, Mr. Vice-President, Mr. Prime Minister, Mr. Speaker, Mr. President of the Inter-Parliamentary Council, Excellencies and Distinguished Delegates.

I thank you on behalf of the Secretary-General and on my own behalf. I wish the 89th Inter-Parliamentary Conference every success.●

THE IMPORTANCE OF DEMOCRACY

● Mr. LIEBERMAN. Mr. President, the Baghdad-born author Kenan Makiya is one of the clearest voices in the Middle East for the spread of democratic values. His latest book, "Cruelty and Silence," seeks to transform the political discourse in the Arab world by confronting intellectuals in the Middle East with the realities of political cruelty in the region. The Iraq Foundation, which he helped to found in 1991, is committed to a vision of a future Iraq built on the principles of democracy, civil liberties, and the rule of law.

Mr. Makiya, currently a fellow at Harvard University's Center for Middle Eastern Studies, recently wrote to the president of the National Endowment for Democracy upon learning of the vote in the House of Representatives to terminate all funding for the endowment. His strong message is a warning to all of us that without the kind of outside support which the endowment provides to democrats struggling against authoritarianism, the desperate people suffering under repressive regimes such as those of Saddam Hussein are doomed to continue to suffer for many years to come, with potentially disastrous consequences for our country and the rest of the world. I ask that this letter be printed in the RECORD, and recommend that all of my colleagues read his words carefully.

The letter follows:

HARVARD UNIVERSITY,
CENTER FOR MIDDLE EASTERN STUDIES,
Cambridge, MA, June 28, 1993.

CARL GERSHMAN,
National Endowment for Democracy, Washington, DC.

DEAR CARL: I am writing in shock and amazement, having just heard the news that the House of Representatives has voted to cut off its support for the National Endowment of for Democracy. I wish to convey to you my strong and deeply felt support for the work done by the N.E.D. to promote democracy around the world, and in particular, Iraq, the country of my blah.

There is not a shadow of doubt in my mind that without the work of outside supporters of democracy such as the N.E.D., even the hope for a democratic future in Iraq would be almost non-existent. Because of what the N.E.D. has done for Iraq since the Gulf war, it has been possible for Iraqi writers and human rights activists to get their ideas and aspirations into Iraq itself. By supporting, for instance, the Iraq Foundation and the signature-collecting campaign known as Charter 91, it has been possible to get thousands of pamphlets into Iraq communicating ideas which have long been banned and sealed off from the populace. Reports still reach me of the effect of this kind of work in creating a new and enriching climate of ideas on issues of democracy, toleration of difference, seculanism and the imperative for a central focus on human rights in the building of a new order in Iraq. I know for a fact that none of this would have been possible without the backing of the National Endowment for Democracy.

Please communicate the contents of this letter to whomsoever you think might be swayed by it, or be in a position to reverse this disastrous decision. The work of the National Endowment for Democracy affects millions of lives and must continue.

Sincerely,

KENAN MAKIYA,
Author of "Republic of Year and Cruelty and Silence."●

MANAGED COMPETITION "A HEALTH PLAN THAT CAN WORK"

● Mr. DURENBERGER. Mr. President, as I have said many times in this Chamber, the core issue in health care reform is containing costs. But in our rush to reach this goal, are we simply going to abandon the market for a regime of Federal regulation? Or are we going to do all we can to make the market work?

Fortune magazine recently took up that question. In "A Health Plan That Can Work," Edmund Faltermayer deftly explains how managed competition can create a sound health care market that will produce the system Americans want and deserve. In fact, some of the ideas behind this approach are already being tested in our States by managed care organizations and other innovative health care providers.

In the Minneapolis-St. Paul area, for example, managed competition-type reforms have succeeded in lowering the cost of health insurance from 10 percent above the national average to 15 percent below the average—in just 10 years.

The point is, Government regulation in the form of a single-payer system doesn't get at the backbone of rising costs—fee-for-service medicine. With insurers guaranteed to pick up the tab, there is no incentive to control the cost and type of care prescribed. A competitive environment, however, opens the door to improving quality, cost-effectiveness and access to preventive care. This occurs by changing the way medicine is practiced and medicine is purchased, and that is the route to better health care.

Mr. President, I request that the text of "A Health Plan That Can Work" be included in the RECORD.

The article follows:

A HEALTH PLAN THAT CAN WORK

(By Edmund Faltermayer)

It's 2005 and the impossible is happening. For the fifth straight year America's health care outlays are declining as a percent of GDP. That's not so amazing, since most people are now enrolled in fiercely competing HMOs and other managed-care organizations that catch diseases early, often using low-tech procedures and medical personnel who aren't even doctors. Don't worry, these health plans don't skimp on high-tech treatment when it's called for. But they press for continuous quality improvement in all they do and weigh the cost effectiveness of alternative procedures, relying on a national board to decide which expensive and controversial new ones should be covered. Far from feeling hopelessly passive, as in the dark ages of 1993, medical consumers revel in an explosion of information—much of it electronic—that helps them to dispute doctors' proposals for treatment and to decide whether to switch from one health organization to another at the yearly sign-up time.

If this sounds like pure hallucination, get ready for a surprise. Most of the elements of tomorrow's medical system already exist or are starting to sprout, even without national health care legislation. William Link, the executive vice president of Prudential, who oversees its big HMO and health insurance operations from Newark, New Jersey, says the changes reshaping his industry "will continue to mushroom if government doesn't get in the way." What's mainly needed from the package that Bill Clinton hopes to announce in mid-June aside from coverage for the nation's 37 million uninsured, are deftly drawn rules that will speed the transformation of American medicine by lubricating the engine of competition.

The danger is that Washington will blow it by throwing sand in the gears. While key decisions have yet to be made, hints and leaks from the White House suggest that the President and the task force headed by Hillary Rodham Clinton lean strongly toward price controls and spending caps as a way to hold down costs. At the same time, the White House wants to encourage flexibility by leaving enforcement of these caps to the states. That combination could give us the worst of both worlds; heavy-handed pricing rules imposed 50 different ways. To appreciate what is at stake, imagine where the computer revolution would be if politicians had decided early on to smother it with regulation.

In Fortune's view, the way to get health care reform right is to stick to the set of proposals that sail under the flag of "managed competition." This concept has been refined over the years by the Jackson Hole Group, a policy research organization supported by insurers, provider groups, and corporate health insurance buyers. Meeting in craggy Wyoming, an informal assemblage of insurance executives, HMO chiefs, reform-minded physicians, and others have fashioned a blueprint for inducing vigorous competition in an industry in which supply—

mainly doctors capable of cowing patients—has long been able to influence demand, thereby hurling the nation's medical bill into hyperspace. In the world according to Jackson Hole, managed-care networks operating on fixed yearly revenues would battle as never before for the business of strongly price-conscious buyers.

Under managed competition, which President Clinton embraced during his campaign, all employers would be required to buy a nationally set package of basic health insurance for their workers. A reform called "community rating" would bar insurers from offering affordable plans only to the young and robust while hoisting premiums for sickness-prone workers—or dumping them, as can happen now. To bolster the buying clout of small employers and save on administrative expenses, managed competition would require that they buy coverage through newly created organizations called health insurance purchasing cooperatives, or HIPCs (pronounced HIP-icks). These most likely would be government-chartered, nonprofit outfits and would provide much of the management in managed competition.

In big companies and small, according to the Jackson Hole blueprint, employees would pay more if they chose expensive health plans over cheaper ones during an annual sign-up period. An added inducement to comparison shop: a proposed cap on the income tax exclusion granted health insurance. If an employee's insurance premiums were more expensive than coverage at the lowest-cost HMO in the area, he or she would have to pay the difference in after-tax dollars.

The overarching purpose of these carefully altered arrangements, says Dr. Paul Ellwood, founder of the Jackson Hole Group and the leading apostle of the HMO movement, "is to reform the way people buy and use health care." A medical system driven by market forces, Ellwood believes, would save money in a way that government spending limits and price controls cannot, and thereby lessen the bill for covering the uninsured. What about the others who currently fall through the cracks, Including many of the unemployed? The Jackson Hole crowd believe that the savings to the U.S. Treasury from capping that now open-ended tax subsidy would generate much of the money needed to provide them coverage.

Alas, a funny thing has been happening to managed competition on its way to the Oval Office. Some of its elements are alive, such as requiring all employers to cover their workers, community rating to end cherry-picking, pricing that would make consumers cost-conscious, a standard benefits package, and maybe even a limit on the tax break granted gold-plated health plans. But sources close to the task fore describe management consultant Ira Magaziner, its operating head, as a believer in the market who is outnumbered by social engineers. Many on Clinton's health care team, including Health and Human Services Secretary Donna Shalala, apparently yearn for a "single payer" system akin to Canada's.

In such an arrangement the government would reimburse all medical bills just as it does now for the elderly under Medicare. One huge flaw in this scheme is that it would leave largely intact the main engine behind rising health care spending, the conventional fee-for-service system, under which individual doctors charge separately for each procedure, and an insurer—in this case the government—dutifully picks up the bill. With no competitive mechanism to discipline costs, any single-payer scheme is almost inevitably driven to price controls or fixed budgets.

The Clinton task force hasn't gone to Canada yet, but it has gone astray. Instead of relying on competition alone, it appears to favor temporary price controls until its reforms are fully in place. Even after that, the White House talks of limiting the rate at which health premiums could rise. HIPCs, renamed "health alliances" by the Clintonites, might be given the task of enforcing a slice of an overall spending limit for U.S. medical outlays—the "global budget" that the President has long favored. States might also be given the option of creating a mini single-payer system. Complains CEO Stephen Wiggins of Oxford Health Plans, an HMO headquartered in Darien, Connecticut: "They've gone so far to the left it's astonishing." Wiggins, a Clinton supporter in the election, says he wishes he could have his vote back.

What's so bad about price controls? The main trouble is that they never work for long, just as they have not prevented Medicare spending on physicians' fees from rising 12% annually during the past ten years. Doctors circumvent Medicare fee limits by seeing patients more often or piling on more tests. Setting an annual lid on premium increases, moreover, would kill competition instead of spurring it by giving both efficient and inefficient plans a price rise that they would feel entitled to. Once controls go on, says James McLane, CEO of Aetna Health Plans in Hartford and a top price controller in the Nixon years, the incentives shift to gaming the system rather than improving health care. Price controls, says he, "will take people's eye off the ball."

And what's so bad about the heavy-handed health alliances the task force seems to fancy? Well, they could turn out as different from the original idea of the HIPC as a Pentagon office procuring warplanes is from a farmers' market. Economist Alain Enthoven of Stanford University, a key Jackson Hole thinker who coined the term managed competition, describes the ideal HIPC as a "price taker, not a price maker." Only in areas too sparsely populated to support competing HMOs, says Enthoven, would a HIPC need to take an active role in buying health care. Elsewhere, its function would be to inform small companies of the prices quoted by various plans, run the annual enrollment process, act as a financial clearinghouse, and monitor HMO quality data. "That's it," says Enthoven, who says he's "profoundly concerned" about the direction in which the White House task force has been moving.

One especially disturbing idea on the table would force medium-size and large companies, say those with more than 1,000 workers, to buy their health coverage through the new health alliances and make them pay for it with a uniform payroll tax. While this proposition appeals to some major corporations, it is bad policy because it would greatly reduce the number of big, active players out there influencing the price and quality of health care. Warns Ellwood: "It will destroy the market. There is no point in having employer-paid health insurance unless you have multiple buyers seeing who can get the best deal."

Happily, even as the reformers argue, the medical system goes right on changing itself. From the skeptical comments of some Congressmen—including House Ways and Means Chairman Dan Rostenkowski, who has likened managed competition to "Star Wars"—one might guess that this system is some futuristic invention. In fact, most of its pieces are up and running, here and there, around the U.S.

HIPCs? Some 100 regional business coalitions have already sprung up on a voluntary basis, many of which buy health insurance for their members. Community rating? Some 30 states have passed laws limiting insurers' ability to base premiums on medical history, and a half dozen have legislated broader managed competition schemes or are about to. Says Washington consultant Robert Laszewski: "The states are going 100 mph."

As for HMOs, enrollment jumped 7.2% in 1992 to 41.4 million, more than four times the total at the start of the Eighties. Buyers are showing that they can be price-conscious with health insurance just as they are with grocery shopping. When employers make employees pay extra to enroll in more expensive plans that allow unlimited choice of physicians, as Xerox and some state employers do, workers tend to switch to lower-priced HMOs (Fortune, December 28, 1992). Doctors as well as patients are climbing aboard these prepaid plans. Rather than face the cost and long hours of running a solo practice. Dr. James Thomas of Rutland, Vermont, who was already seeing patients for Community Health Plan, an HMO, has joined it as a salaried physician. Says Thomas: "The handwriting was on the wall."

Competition may also be starting to lasso costs. A survey of employers by the Foster Higgins consulting firm shows that in 1992 the average health insurance premium, counting the employee's contribution, rose 10.1%. Though still high, it is the smallest increase in five years. While premiums for traditional fee-for-service plans jumped 14.2%, those of HMOs—one-fifth cheaper to begin with—were up only 8.8%. "As far as I'm concerned, we're in managed competition right now," says Dr. Barry Schwartz, medical director for the Capital District Physicians Health Plan in Albany, New York.

If Washington doesn't screw things up and, instead, fosters flat-out competition, a host of promising new approaches could turn the U.S. medical system into a model for the world. Among them:

PUSH PREVENTION

The sicker you get under the prevailing fee-for-service health system, the more money flows to doctors and hospitals. By contrast, HMOs, which operate with a fixed yearly income per enrollee, have powerful financial reasons to keep you well. At Group Health, a division of Minneapolis' HealthPartners, 55% of women over 50 received mammograms last year, compared with a state average of 36%. Dr. George Isham, medical director of HealthPartners, says the plan keeps track of how dutifully individual physicians advise women to come in for the tests. Says Isham: "If a doctor is below average, we don't kick him out, but we have a conversation."

Two years ago Prudential's HMO in Baltimore launched a program to encourage pregnant low-income women to come in for prenatal care. Instead of parting with a nominal sum for each visit, as is customary with prepaid plans, women are handed $10 in cash. They not only receive the usual physical checkups but also are counseled—eat well, stay off alcohol and drugs—in the hope that they will carry their babies to term. So far some $40,000 has been paid out under the program, less than the $50,000 the health plan might easily spend on just one premature baby, and HMO officials estimate that a couple of dozen premature births have been prevented.

TRY LOW-TECH TREATMENTS

"If I had my way," says Dr. C. Everett Koop, former U.S. Surgeon General, "we'd

have doctors more inclined to have conversations with patients than to order a battery of tests." Koop is the founder of an institute at Dartmouth Medical School bearing his name, which, among other things, promotes low-tech alternatives to the fancier stuff. One Koop favorite: a set of relatively cheap and uncomplicated methods for sparing diabetics the foot and leg amputations to which they are particularly vulnerable. The techniques were originally developed for lepers in Third World countries, where dependable electricity and high-tech equipment are often lacking.

Diabetics, like lepers, often lose feeling in their feet and ignore sores that can become seriously infected. But podiatrist Dr. William Coleman of the Ochsner Clinic in New Orleans, one of the few U.S. institutions that extensively practice these techniques, tries to head off trouble. With relatively simple devices, such as a strand of nylon pressed against the foot at many points, he locates insensitive areas and advises the patient how to avoid injury. When sores are present, he prescribes special shoes to relieve pressure on them. U.S. government studies suggest that these methods could help avert about half the 50,000 foot and leg amputations performed each year on diabetics. Says Coleman: "Too often these feet are lopped off in cavalier fashion."

STRETCH THE SUPPLY OF DOCTORS

Why use an expensive physician to fit a patient with contact lenses, interpret allergy tests, or even deliver babies if a "physician extender" can do the job just as well? The past decade has seen a doubling in the ranks of physician assistants—latter-day versions of army medics, who have two to four years of post-high school education—and of nurse practitioners and midwives. FHP Health Care, a Southern California HMO, is increasingly using physician extenders to control costs. At FHP's clinics, nurse-midwives, whose pay starts at $55,000, vs. $150,000 for an obstetrician, handle more than 80% of the uncomplicated childbirths.

On its own, FHP trains physician extenders to do sigmoidoscopies to probe for colorectal cancer, and to take the place of a second doctor in cataract operations and in laparoscopic surgery, a less invasive technique than the traditional kind. Dr. Robert Larsen, in charge of training and staffing at FHP, says nurse practitioners can be especially valuable in taking over routine testing now done by family physicians, who are expected to be in short supply in the next few years. Extenders "might not pick up the subtleties of a problem" that doctors would catch, Larsen says, but FHP believes it might be possible to operate with a ratio of one extender for every four physicians. Would this deny patients proper care? Not if the HMO monitors the outcome of treatment—a crucial element in making health reform work.

THINK QUALITY

Continuous quality improvement saves not only money but also the time—even the lives—of patients. In Atlanta the Prudential HMO found that 80% of its patients admitted to a major hospital for chest pains turned out to have no heart disease. Says Dr. Ronald Tipton, director of the HMO's medical group: "It was habit. Chest pain, bingo, you go to the hospital." A quality team, studying the matter, arranged for more folks to be examined speedily in outpatient settings like cardiologists' offices, paring the figure to 60%.

Cost-conscious HMOs are not the only ones trying to heal smarter. The Williamsport Hospital and Medical Center in central Pennsylvania, with 325 beds, is the smallest hospital to win the Commitment to Quality award. Given by Healthcare Forum, a nonprofit association of industry leaders, and the executive search firm Witt/Kieffer Ford Hadelman & Lloyd, the award is health care's answer to the Baldrige. Donald Creamer, Williamsport's president, launched the quality drive nine years ago because a more competitive environment appeared to be coming, he says, and "we wanted to survive and thrive." In just two years the hospital's rehabilitation center, which serves those recovering from strokes, accidents, and other impairments, improved patients' ability to function by 25%, while releasing them sooner and charging less than the regional average.

GET SERIOUS ABOUT COSTS

Health care spending has skyrocketed mainly because, in a classic fee-for-service insurance plan, cost is no object. HMOs, forced by their prepaid revenue stream to live in the real world of finite resources, have no choice but to economize. Minneapolis's HealthPartners has a guideline spelling out when it is appropriate to use the expensive antibiotic cephalosporin instead of the far cheaper ampicillin. Kaiser Permanente's Southern California region has listed some situations when patients with knee injuries don't need costly magnetic resonance scans. So great is the potential for saving additional money, says Dr. David Lawrence, CEO of Kaiser's parent foundation, that there is no need to ration costly procedures, say, for the aged. Says Lawrence: "It will be a long time before we will have to say, 'Stop doing something for a segment of the population because it's too expensive.'"

The key is not to deny care but to emphasize less costly versions, even in situations where doctors may resist. In the mid-Eighties, drug companies developed a new form of the dye injected into patients so doctors can view the functioning of coronary arteries of kidneys on an X-ray screen. Fewer patients get adverse reactions from the new dye, but the price is ten to 15 times higher. A year ago Kaiser's Southern California region, feeling competitive pressures to hold down premium increases, approved a guideline strongly encouraging use of the old, less expensive version except for high-risk patients. The only drawback: A small percentage of patients would have severe but nonfatal reactions such as vomiting.

Writing in the Journal of the American Medical Association, Dr. David Eddy, a consultant to Kaiser who helped formulate the guideline, estimates that it will cause 40 additional bad reactions a year among the region's 2.3 million Kaiser members. But the plan and its members will come out ahead, Eddy figures. The estimated $3.5 million saved annually would be enough, for example, to aggressively seek out women who have not received Pap tests, thereby preventing 100 deaths from cervical cancer. Compliance isn't mandatory, though radiologists must fill our a form when they use the expensive dye and state their reasons. The guideline must be having some effect because Kaiser has been buying less of it.

PICK NEW TECHNOLOGIES WITH CARE

Organ transplants, artificial hips, genetically engineered drugs, and other dazzling advances have also helped put health care spending in overdrive. Gerald Kominski, a researcher at UCLA, figures that "technology diffusion" has accounted for a third of the rise in hospital costs for Medicare patients along. But why isn't this trend offset to a significant degree by technologies that cut costs, as they do in such fields as electronics? Part of the problem, says Kominski, is that under the perverse incentives of fee-for-service medicine, doctors err on the side of more technology, not less. "If the service is insured," he says, "and it's not going to do any harm even though you don't know it's beneficial, why not go ahead?"

HMO's often put their food down on questionable technologies. "If the patient insists even though it doesn't make economic or medical sense, we say no," says medical director Isham of HealthPartners. But it's not easy to turn down a woman with advanced breast cancer who insists on bone marrow transplants costing $90,000 to $150,000. One of the most controversial treatments in medicine today, these subject the patient to high-dose chemotherapy, which gravely weakens the immune system. Then, to restore immunity, doctors reinfuse some of the woman's own bone marrow that was removed and stored in advance. The treatment alone kills up to 12% of patients. fewer than one woman in four survives for five years after the transplants.

That's an improvement over standard-dose chemotherapy without transplants, advocates of this technique argue. But the National Cancer Institute, which is sponsoring clinical trials, considers the issue unresolved. In the meantime, some women are suing successfully to force insurers to pay for the transplant, and two states have passed laws that would require more of them.

Dr. Don Nielsen, quality consultant at Kaiser headquarters in Oakland, rightly points out that the only way to handle such matters it to establish a national board, with government and consumer representation, that would decide when a new technology has moved beyond the experimental stage. Says he: "That would level the playing field among health plans and take the matter away from the courts." The Jackson Hole Group, and evidently the Clinton task force, also favor centralizing such decisions in one national body.

INFORM THE CONSUMER

With the kind of information now becoming available, tomorrow's patients could make today's look as ignorant as serfs in bygone centuries when Bibles were chained to pulpits. For consumers seeking instant enlightenment, Jeffrey Lerner of ECRI, a nonprofit Pennsylvania group that does technology assessments, hopes to put understandable, up-to-date information explaining hundreds of procedures on a computer network in the next few years. Dartmouth's Foundation for Informed Medical Decision Making has already produced five interactive video-disks that are marketed by Sony, with seven more in preparation. These allow patients in doctor's offices to seek detailed information about various forms of surgery and other treatments. At one of HealthPartners' medical centers in Minneapolis, 42 men over a 12-month period watched a Dartmouth video on the pros and cons of surgery for benign prostate enlargement; all decided against the operation.

The aim is not necessarily to deter surgery—some videos may prompt more of it—but to give patients a say in the matter. "Report cards" could also help consumers choose among health plans if they had a menu of them to select from. Right now, aside from data on how many enrollees leave and an HMO's own satisfaction surveys—which don't always ask the same questions—

consumers must rely on anecdotal, word-of-mouth information. House hunters checking out school systems have a much easier time, since they can compare such objective data as SAT scores and average class size.

All this would change if HMOs and other managed-care plans had to supply comparable information to consumers on the quality of their services. That can't happen soon enough for Jackson Hole's Ellwood. He maintains that one of the most important boons of managed competition would be "the restructuring of the health system into units that can be held accountable." Urged on by corporate benefits managers, the National Committee for Quality Assurance (NCQA), a nonprofit Washington organization that accredits managed-care plans, recently won agreement from representatives of 30 organizations—among them Blue Cross, Kaiser Permanente, and HealthPartners—on what kinds of data should go into a report card. Says Janet Corrigan, the NCQA's vice president for planning and development: "The fact that 30 managed-care plans are willing to be compared publicly is a significant step forward."

The first data should go to consumers in 1994. Initially, the report card will focus mainly on how many HMO members get preventive services, such as prenatal care and child immunizations, as well as patient satisfaction. Ellwood would like to include far more information on how successfully each plan handles ailments. A recent Jackson Hole paper shows a prototypical report card with 15 entries rated by symbols ranging from best to worst, in Consumer Reports fashion. Five entries show medical outcomes, such as hip fracture recovery and the death rate of heart attack victims.

Couldn't health plans cook the books to make their performance look better than it is? David Lansky, a medical outcomes researcher in Portland, Oregon, who designed the Jackson Hole report card, says that auditing would be necessary. Still, he says, "the plans can't cook what the public thinks of their quality." A groundbreaking survey of 1,700 members of three health plans in Des Moines has shown significant variations in customer satisfaction. Dr. John Williamson of Salt Lake City, a pioneer in the measurement of medical outcomes and an adviser to the White House task force, says, "Customer satisfaction is a powerful means of getting plans to pay attention to the consumer."

How badly will they want to? That depends on whether Washington goes for competition or controls. Despite the discouraging leaks, it's hard to believe the President will not move his health reform plan back toward the center, because without broad public support it is doomed. Says Tennessee Congressman Jim Cooper, a conservative Democrat who introduced reform legislation along Jackson Hole lines last year: "You've got to have a strong bipartisan consensus when you are reshaping one-seventh of the U.S. economy."

Republican Senator David Durenberger of Minnesota, a managed-competition backer who sits on two committees that handle health legislation, puts it more precisely: "The Administration has got to come to grips with the reality that the Republicans will determine whether this thing passes." Durenberger adds that the briefing sessions that Hillary Clinton has held on Capitol Hill leave him feeling optimistic about what the White House will send up: "She's very good, very positive, and she's still learning." Here's hoping he's right.●

TIBET

● Mr. LEAHY. Mr. President, I would like to speak today about Tibet. It is easy for the world to forget about Tibet, a sparsely populated country high in the shadow of the Himalayas. What really obscures our view of Tibet, however, is the looming shadow of China, which threatens to blot out Tibet and Tibetan culture forever.

China invaded Tibet in 1950. In over four decades of occupation, the Chinese have destroyed over 6,000 monasteries. Over 1 million Tibetans have reportedly been killed, including thousands of Buddhist monks with irreplaceable cultural and religious knowledge. Countless other Tibetans have fled into exile, including the Dalai Lama. The Chinese have transferred thousands of Han Chinese into Tibet in an attempt to flood the indigenous Tibetans with a foreign population. The Chinese continue to tear down sacred Tibetan temples to make way for stores and apartment buildings. The behavior of the Chinese in Tibet has been called cultural genocide, the deliberate destruction of a heritage.

I visited Tibet in August 1988 and was able to see firsthand the suffering that the Tibetan people must endure. In the spring of 1989, I urged the Senate to turn its attention to Chinese oppression in Tibet just as we did toward human rights abuses in the old Soviet Union. I argued that enough letters, resolutions, and pressure from the United States could make a difference in China. I still believe this to be true, but it will require more than an occasional, isolated gesture.

One such measure in the legislation that we passed granting most-favored-nation status for China. It ties the renewal of this status to the end of Chinese religious persecution in Tibet, among other conditions. Although it is one of many human rights hurdles for China to clear, we must not lose sight of this important stipulation, and we must insist that China retreat from its oppressive policy in Tibet.

It is particularly important that we come to Tibet's assistance now, as China has begun another crackdown on Tibet. Earlier this year the Communist Party issued an order to purge officials in Tibet who are not loyal enough to the party, or who demonstrate too much sympathy for the Tibetan people. Opponents are detained and imprisoned for even peaceful displays of their dissident religious or political views.

The Dalai Lama is the religious leader of Buddhist Tibet, and I have been fortunate to meet with him on several occasions. He represents the spirit of Tibet and symbolizes all that Tibet stands to lose at the hands of the Chinese. The Tibetan people are still devoutly loyal to him. I was dismayed to learn that the Dalai Lama was recently denied the opportunity to formally address the World Convention on Human Rights. It is shameful that a nation as notorious for human rights violations as China was able to exert so much influence at the World Convention, while the Dalai Lama—a Nobel Peace Prize laureate—was excluded from formal participation.

It is imperative that the United States take the lead in bringing international censure to bear on China for her treatment of Tibet. As each monastery is torn down, as each monk is slain, a piece of Tibet's history is lost for eternity. And as the Tibetan past slips into oblivion, so does the Tibetan future.●

BALTIC FREEDOM DAY

● Mr. RIEGLE. Mr. President, I rise today to honor the memory of the tens of thousands of innocent Baltic men, women, and children who fell victim to mass deportation at the hands of their Soviet occupiers in June 1941. Our remembrance of this tragic event on June 14, symbolizes America's continuing commitment to the Baltic States, which for so long had been subjugated to Soviet domination and occupation.

This decade has ushered in a new and promising era of freedom and hope for the people in the Baltic Republics of Lithuania, Latvia, and Estonia. In order to ensure that democracy and freedom continue to develop, our Nation and the international community must support the efforts of the Baltic States to strengthen their sovereignty and independence from their powerful neighbor to the east.

During 1990, all three Baltic Republics proclaimed their independence from the Soviet Union. Shortly afterward, the fledgling governments weathered a renewed military threat during the August 1991 coup attempt led by Soviet hard-liners. Since then, great strides have been made by these determined people to safeguard their sovereignty, developing democratic institutions and reforming and restructuring their economies. Still, much more needs to be accomplished. Fifty years of unjust Soviet occupation have done great damage to the economic, political, and social institutions of the Baltic States. Our role must be one of providing assistance to these nations in their efforts to become vital members of the world community.

Today, while all of the Baltic States enjoy international recognition as independent nations, their fundamental sovereignty continues to be violated by the continuing presence of thousands of Russian troops. My colleagues and I continue to urge our Government and other nations to press for an end to this inexcusable infringement that has endured even after the end of the cold war and the collapse of the Soviet Union.

On April 1, 1993, before the Clinton-Yeltsin economic summit, 16 Senators

joined me in writing to President Clinton, urging him to remind President Yeltsin of the United States commitment to ensuring the early, orderly, and complete withdrawal of Russian troops from the Baltics. It is my firm belief that as Russia moves to embrace democratic ideals and traditions, it must also be supportive of other newly independent states.

As we remember the mass deportation of the Baltic peoples away from their homelands, we must renew our conviction and determination to ensure that the Baltic States gain absolute independence.●

THE NEED FOR CREATING A SINGLE, INDEPENDENT FOOD SAFETY AND INSPECTION AGENCY

● Mr. DURENBERGER. Mr. President, I rise today to urge my colleagues' support for a bill that will initiate a much-needed reform of the Government's food safety and inspection system.

Next week I will introduce my proposal to integrate the Government's food safety and inspection powers in a single, independent agency. This agency would issue a uniform set of regulations, and apply the latest technological know-how to the Government's food testing procedures.

Just last Friday on National Public Radio's "Talk of the Nation" show, Lester Crawford, executive vice president for Science of the Food Processors Association and former administrator of the USDA's Food Safety and Inspection Service under President Bush, said that he considers the creation of a single, integrated Government agency a "terrific idea."

"I'm one of the few still-living human beings who worked in all agencies * * * and I always wondered why it was that we were not all reporting to the same Cabinet secretary. I think it would be a capital idea," Crawford said.

The Nation's good health depends on a safe, diverse, and affordable food supply. Please join me in creating the food safety and inspection system Americans deserve.●

THE TRIAL OF THE TIRASPOL SIX

● Mr. DECONCINI. Mr. President, on February 24, 1993, I placed a statement in the CONGRESSIONAL RECORD with regard to the arrest and detention of six citizens of the Republic of Moldova: Ilie Ilascu, Alexandru Lesco, Andrei Invantoc, Viaceslav Garbuz, Tudor Petrov, and Petru Godiac. At that time, these men were in prison, awaiting trial for the murders last spring of two local officials in the separatist Dniestr Republic. While not wishing to prejudge any legal proceeding, it seemed clear to me that the circumstances surrounding this case and the treatment of the detained men deserved careful scrutiny from the human rights community worldwide. That is why in December 1992, Helsinki Commission Cochairman STENY HOYER and I sent a cable to the general prosecutor in Tiraspol, Boris Luchik, urging humane treatment for the prisoners and immediate access by representatives of international organizations.

Unfortunately, despite increased international attention and concern, the treatment of these six men and the conduct of their current trial—which began on April 21, 1993—continues to fall short of international human rights standards. Indeed, the legitimacy of the court itself is in question, as the self-proclaimed Dniestr Republic is not recognized as a sovereign state. International human rights observers from the Romanian Helsinki Committee and the International Human Rights Law Group have described a courtroom atmosphere in which the defendants were held in cages while the openly hostile audience jeered and cried out against them, creating a highly prejudicial atmosphere.

In its assessment of the fifth hearing of the trial of the Tiraspol Six, which took place on May 24, 1993, the International Rights Law Group raised three serious concerns about the fairness of the trial:

First, there is some question regarding the court's impartiality, mandated by article 10 of the Universal Declaration on Human Rights and article 14 of the International Covenant on Civil and Political Rights;

Second, some of the defendants' lawyers have exhibited reluctance to fully defend their client's interests as required by article 11 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights; and

Third, the court rejected a defense attorney's request for an investigation into human rights violations against the defendants during their detention under article 14 of the International Covenant on Civil and Political Rights despite credible allegations of wrongdoing.

Members of the Helsinki Commission staff met June 24, with a delegation of Moldovan parliamentarians, which included one of the defense attorneys for the Tiraspol Six, Mr. Gheorghe Amihalachioaie. They shared with the Commission their serious concern for the fate of these men, and presented us with a Declaration of the Parliament of the Republic of Moldova on the trial of the six detainees.

As Chairman of the Helsinki Commission, I once again appeal to the authorities in Tiraspol to demonstrate their respect for international law by ensuring human treatment for the detainees, and a fair trial by an independent, impartial, and legally constituted court. Cochairman HOYER and I have sent a telegram to Mr. Igor Smirnov of the executive committee of the city of Tiraspol urging him to comply with these requests. The Helsinki Commission will continue to monitor carefully the case against the Tiraspol Six.●

TRIBUTE TO JOHN PERKINS, TIRELESS ADVOCATE FOR WORKING MEN AND WOMEN

● Mr. SASSER. Mr. President, I rise to offer a well-deserved tribute today to a friend, an outstanding American and a tireless advocate for working men and women: Mr. John Perkins.

For more than four decades, John Perkins has been an integral part of the American labor movement, serving since 1982 as director of the AFL–CIO's Committee on Political Education [COPE].

Mr. Perkins has numerous titles. Labor leader. Parent. Political analyst. Organizer. But above all, John Perkins is a builder.

More than 40 years ago—in 1952—John Perkins joined the Carpenters Union in Elkhart, IN. He served as business manager of his local for 11 years. During that time he rose to leadership of the Indiana State Building and Construction Trades Council.

John Perkins then turned his talents to the national level. He joined the COPE staff in Washington in 1971, and became director in 1982.

Howell Raines wrote in the New York Times the following year—1983—that John Perkins is widely credited among Democratic Party professionals with bringing modern campaign technology and an aggressive new spirit to COPE, the political arm of the federation.

Several months before his appointment as COPE director, Mr. Perkins impressed union leaders by organization the Solidarity Day March in Washington September 19, 1981. He got credit for assembling a crowed of more than 200,000 * * *.

Indeed, that is John Perkins' trademark—organize and get results. During his 20-plus years with COPE, he built coalitions, he built respect, and he built power for the working men and women of this country.

Much of the landmark legislation of the last two decades to expand voter registration, to help workers, to promote fairness, and to ensure human dignity has built on foundations laid by the handiwork of John Perkins. In a fitting tribute during his final year as COPE director, Congress approved the motor-voter bill to enhance public participation in our democracy.

"John Perkins has worked tirelessly to modernize COPE into what it is today—the envy of State and national political operations for both parties," said AFL–CIO President Lane Kirkland this spring. No one could have said it better.

John Perkins now enters into richly deserved retirement. We are sad to see

him go. But perhaps we should remember the words of another famous labor leader, Joe Hill of the IWW, who just before his passing away said to a friend, "Don't waste any time mourning—organize."

That is the true spiritual meaning of John Perkins' work for the American labor movement. John Perkins is a builder. He devoted his career to building progress, which can be seen every day in lives of countless men and women who have been affected by his leadership.●

ORDERS FOR WEDNESDAY, JULY 14, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Wednesday, July 14; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of morning business under the control of Senator WALLOP, or his designee, and that Senator BENNETT be recognized for up to 30 minutes; and that the Senate then resume consideration of S. 185, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, the previous order just referred to provides that a vote will occur at 10:30 a.m. tomorrow on the Roth amendment to S. 185. So all Senators should be aware that a vote will occur on, or in relation to, I should say, the Roth amendment at 10:30 a.m. tomorrow.

Senators should also be prepared for a lengthy session tomorrow and on Thursday, as we attempt to make progress on this bill. We have been advised by our Republican colleagues that they wish to offer a number of amendments. We have not yet been advised of the substance of those amendments. I encourage any Senator who has an amendment to be prepared to come to the floor and offer it during the day tomorrow. We will have a lengthy session tomorrow and Thursday, as is necessary to make what I hope will be good progress on this bill.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:27 p.m., recessed until Wednesday, July 14, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 13, 1993:

DEPARTMENT OF STATE

JAMES J. BLANCHARD, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

WALTER C. CARRINGTON, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

THOMAS J. DODD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

STUART E. EIZENSTAT, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN COMMUNITIES, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

RICHARD MENIFEE MOOSE, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT, VICE J. BRIAN ATWOOD, RESIGNED.

MARY M. RAISER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS CHIEF OF PROTOCOL FOR THE WHITE HOUSE.

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1997, VICE CHRISTOPHER A. HART, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

LOUISE FRANKEL STOLL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE KATE LEADER MOORE, RESIGNED.

DEPARTMENT OF THE TREASURY

GEORGE MUNOZ, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DAVID M. NUMMY, RESIGNED.

GEORGE MUNOZ, OF ILLINOIS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE DAVID M. NUMMY, RESIGNED.

RESOLUTION TRUST CORPORATION

STANLEY G. TATE, OF FLORIDA, TO BE CHIEF EXECUTIVE OFFICER, RESOLUTION TRUST CORPORATION, VICE ALBERT V. CASEY, RESIGNED.

DEPARTMENT OF JUSTICE

CHARLES ROBERT TETZLAFF, OF VERMONT, TO BE U.S. ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF 4 YEARS, VICE GEORGE J. TERWILLIGER, III, RESIGNED.

WILLIAM DAVID WILMOTH, OF WEST VIRGINIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS VICE WILLIAM A. KOLIBASH, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ALAN R. HURDUS, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DENNIS MARTIN BRYANT, OF VIRGINIA
MICHAEL WAYNE CLINEBELL, OF WEST VIRGINIA
DANIEL GOWEN, OF FLORIDA
PATRICIA A. MOSER, OF VIRGINIA
CRAIG R. NORDBY, OF ILLINOIS
WILLIAM R. TEEBO, OF MARYLAND
WAYNE J. WATSON, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

THOMAS X. D'AMICO, OF TEXAS
JOHN F. LORD, OF MARYLAND
MARY H. O'MARA, OF VIRGINIA
JOHN MICHAEL PHEE, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

FRANK J. YACENDA, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALFRED BEN ANZALDUA, OF ARIZONA
CARROLL JOSEPH AUSTIN, OF VIRGINIA
GREGORY L. AVRAKOTOS, OF VIRGINIA
TAMARA L. BAKER, OF TENNESSEE
DAVID A. BEAM, OF VIRGINIA
HEIDI L. BENNER, OF PENNSYLVANIA
DREW GARDNER BLAKENEY, OF TEXAS
DONALD ARMIN BLOME, OF ILLINOIS
ROBERT B. BOYLES, OF VIRGINIA
DANIEL JOHN BUSHEY, OF VIRGINIA
PADRAIG PEARSE DECLAN BYRNE, OF WASHINGTON
KAYE-ANNE CANON, OF WASHINGTON
SALLY A. COCHRAN, OF FLORIDA
DAVID CONFORTI, OF CALIFORNIA
JANICE A. CORBETT, OF OHIO
AMY LYNN DAWSON, OF VIRGINIA
JAMES PATRICK DEHART, OF OREGON
STEPHEN A. DRUZAK, OF WASHINGTON
THOMAS S. DYMAN, OF THE DISTRICT OF COLUMBIA
LAURA A. EAGLEEYE, OF THE DISTRICT OF COLUMBIA
MARY EILEEN EARL, OF VIRGINIA
LINDA LAURENTS EICHBLATT, OF TEXAS
RUTA DAINAUSKAS ELVIKIS, OF ILLINOIS
MARGO GRIMM EULE, OF THE DISTRICT OF COLUMBIA
STEPHANIE JANE FOSSAN, OF VIRGINIA
JEFFREY R. GERLACH, OF GEORGIA
CECILIA M. GUZIK, OF VIRGINIA
CHRISTOPHER SCOTT HEGADORN, OF THE DISTRICT OF COLUME
SHIRLEY J. HERVEY, OF VIRGINIA
BRIAN C. HOGAN, OF VIRGINIA
THOMAS SCOTT JENNINGS, OF ILLINOIS
RUSSELL P. JOHNSON, OF FLORIDA
HARRY RUSSELL KAMIAN, OF CALIFORNIA
PAUL E. KIECHLIN, OF VIRGINIA
MARC E. KNAPPER, OF CALIFORNIA
SUSAN MICHELLE KOHN, OF FLORIDA
MARGARET L. KONSKI, OF VIRGINIA
BLAIR L. LABARGE, OF VIRGINIA
WILLIAM SCOTT LAIDLAW, OF CALIFORNIA
BERNARD EDWARD LINK, OF VIRGINIA
LEE MACTAGGART, OF WASHINGTON
DAVID R. MARLOWE, OF VIRGINIA
ROBERT S. MAY, OF CALIFORNIA
JAMES A. MCNAUGHT, OF ILLINOIS
CAROLYN P. MEISENGER, OF VIRGINIA
EAMON H. MORAN, OF CALIFORNIA
MARY JANE PELLA, OF MARYLAND
NEIL M. PERETZ, OF FLORIDA
JEFFREY JOHN PERRY, OF VIRGINIA
LARRY P. PLEASANT, OF MARYLAND
J. BRUCE PRIOR, OF WASHINGTON
DAVID F. REAMES, OF VIRGINIA
CARL M. ROSENE, OF TEXAS
KAI RYSSDAL, OF VIRGINIA
NORMAN THATCHER SCHARPF, OF THE DISTRICT OF COLUMBIA
C. MICHAEL SCHNEIDER, OF VIRGINIA
JENNIFER L. SCHOOLS, OF TEXAS
PAUL F. SCHULTZ, III, OF VIRGINIA
DONALD MARK SHEEHAN, OF VIRGINIA
JOHN D. SHIPPY, OF TEXAS
JUSTIN HICKS SIBERELL, OF CALIFORNIA
WILLIAM B. SMITH, JR., OF FLORIDA
THOMAS Y. SYLVESTER, OF MARYLAND
ANTHONY SYRETT, OF WASHINGTON
SERGIO ENRIQUE TORRES, OF NEW YORK
HERBERT SMITH TRAUB, III, OF GEORGIA
ARNOLDO VELA, OF TEXAS
J. RICHARD WALSH, OF ALABAMA
THOMAS J. WALSH, OF VIRGINIA
BENJAMIN WEBER, OF NEW JERSEY
LAUREN ANNIS WRIGHT, OF NEW JERSEY
DAVID K. YOUNG, OF FLORIDA
GEORGE J. ZIMMERMAN, OF VIRGINIA
DARCY FYOCK ZOTTER, OF CONNECTICUT

IN THE ARMY

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. FRED H. CASEY [redacted]
BRIG. GEN. MICHAEL W. DAVIDSON [redacted]

BRIG. GEN. GERALD A. MILLER, xxx-xx-x...
BRIG. GEN. GARY J. WHIPPLE, xxx-xx-x...

To be brigadier general

COL. ALEXANDER H. BURGIN, xxx-xx-x...
COL. JOSEPH W. CAMP, JR., xxx-xx-x...
COL. DONALD M. EWING, xxx-xx-x...
COL. WAYNE C. MAJORS, xxx-xx-x...
COL. GARY D. MAYNARD, xxx-xx-x...
COL. WALTER F. PUDLOWSKI, JR., xxx-xx-x...
COL. ALLEN J. STRAWBRIDGE, JR., xxx-xx-x...
COL. MORRIS L. PIPPIN, xxx-xx-x...
COL. PHILIP H. PUSHKIN, xxx-xx-x...
COL. HAROLD E. BOWMAN, xxx-xx-x...
COL. THOMAS E. BUCK, xxx-xx-x...
COL. BERNARD J. CAHILL, xxx-xx-x...
COL. CARROLL D. CHILDERS, xxx-xx-x...
COL. JOSE A. DIAZ, xxx-xx-x...
COL. JOHN A. HAYS, xxx-xx-x...
COL. JOHN L. JONES, xxx-xx-x...
COL. GARY E. LEBLANC, xxx-xx-x...
COL. THOMAS L. MCCULLOUGH, xxx-xx-x...
COL. ROGER E. ROWE, xxx-xx-x...
COL. ERROL H. VAN EATON, xxx-xx-x...
COL. EDISON O. HAYES, xxx-xx-xx...
COL. EUGENE L. RICHARDSON, xxx-xx-x...
COL. ROBERT V. TAYLOR, xxx-xx-x...
COL. ALFRED E. TOBIN, xxx-xx-x...

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. WILLIAM D. SMITH, U.S. NAVY, xxx-xx-x...

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (1H) GRANT THOMAS HOLLETT, JR., xxx-..., xxx-xx..., U.S. NAVAL RESERVE.
REAR ADM. (1H) TIM MCCALL JENKINS, xxx-xx-x... xxx..., U.S. NAVAL RESERVE.
REAR ADM. (1H) JOHN JACOB MUMAW, xxx-xx xxx-xx-x..., U.S. NAVAL RESERVE.

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

To be rear admiral

REAR ADM. (1H) JAMES DUANE OLSON, I, xxx-xx xxx-xx-..., U.S. NAVAL RESERVE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be colonel

JOHN W. BRINSFIELD, xxx-xx-x...
MICHAEL. L. BROYLES, xxx-xx-x...
MICHAEL D. CHILEN, xxx-xx-x...
GARY R. COUNCELL, xxx-xx-x...
THOMAS R. DECKER, xxx-xx-x...
GREGORY J. DEMMA, xxx-xx-x...
ROBERT D. HARRISON, xxx-xx-x...
DAVID H. HICKS, xxx-xx-x...
DAVID L. HOWARD, xxx-xx-x...
GERALD E. MARTIN, xxx-xx-x...
JOSEPH E. MILLER, xxx-xx-x...
LOWELL P. MOORE, xxx-xx-x...
MALCOLM ROBERTS III, xxx-xx-x...
JAMES E. RUSSELL, xxx-xx-x...
ERVIN L. SHIREY, xxx-xx-x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be major

*AADLAND, REBECCA L., xxx-xx-x...
*APPLEWHITE, LARRY W., xxx-xx-x...
*ARDNER, DAVID R., xxx-xx-x...
*BABB, THOMAS A., xxx-xx-x...
*BABEU, LORRAINE A., xxx-xx-x...
*BARRETT, LAMONT E., xxx-xx-x...
BATES, BRUCE B., xxx-xx-x...
BLANCHETTE, GLENN R., xxx-xx-x...
*BOELL, RAYMOND L., xxx-xx-x...
*BOWER, MARK W., xxx-xx-x...
BROCKER, DONALD W., xxx-xx-x...
BUCHNOWSKI, RANDY P., xxx-xx-x...
BUDINGER, ANN C., xxx-xx-x...
BUKARTEK, JOHN V., xxx-xx-x...
*CAMP, JAMES M., xxx-xx-x...
CANESTRINI, KENNETH, xxx-xx-x...
*CANNON, CHARLES E., xxx-xx-x...
CASS, SCOTT F., xxx-xx-x...
*CHANG, ROBERTA K., xxx-xx-x...
CHISHOLM, LISA P., xxx-xx-x...
CHOWEN, STEVEN H., xxx-xx-x...
CLAYSON, EDWARD T., xxx-xx-x...
*COLEMAN, LANG K., xxx-xx-x...
*CONWAY, LARRY L., xxx-xx-x...
*COOK, JOHN P., xxx-xx-x...
COOLEY, JUDITH K., xxx-xx-x...
COSME, JOEL, xxx-xx-x...
*CRESCI, ANTHONY B., xxx-xx-x...
*CUMMINGS, LAURIE A., xxx-xx-x...
DANCHENKO, JEFFREY, xxx-xx-x...
*DEJESUS, ORTIZ A., xxx-xx-x...
*DEJESUS, RAFAEL E., xxx-xx-x...
*DELANO, KENNETH A., xxx-xx-x...
EDWARDS, ROBERT J., xxx-xx-x...
FAIREY, JOHN D., xxx-xx-x...
FANNING, WILLIAM M., xxx-xx-x...
*FLYNN, DANIEL P., xxx-xx-x...
*GAMERL, JAMES M., xxx-xx-x...
*GLENESK, NEIL G., xxx-xx-x...
*GRAY, ROBERT E., xxx-xx-x...
HANF, DARRELL J., xxx-xx-x...
*HANSEN, CURTIS S., xxx-xx-x...
*HASEWINKLE, WILLIAM, xxx-xx-x...
*HAWKINS, EFREM M., xxx-xx-x...
HEBRON, BERNARD F., xxx-xx-x...
HERRON, GEORGIA L., xxx-xx-x...
HERSCHBERGER, GARY, xxx-xx-x...
*HILL, DUANE N., xxx-xx-x...
HOFF, BARBARA H., xxx-xx-x...
*HOROSKO, STEVE III, xxx-xx-x...
HOWARD, REGINALD W., xxx-xx-x...
*HULKOVICH, PAUL R., xxx-xx-x...
*IACOVETTA, GLENN T., xxx-xx-x...
IPPOLITO, ANASTASIA, xxx-xx-x...
*JENKINS, WANDA J., xxx-xx-x...
*JONES, DAVID D., xxx-xx-x...
JONESLUGO, PATSY R., xxx-xx-x...
*JOY, VAN A., xxx-xx-x...
*KOVAK, BRUCE C., xxx-xx-x...
*KOZLOWSKI, LOUIS F., xxx-xx-x...
*LABADIE, CAROL W., xxx-xx-x...
*LARKIN, MITZIE A., xxx-xx-x...
LEDOUX, MICHAEL H., xxx-xx-x...
LEMAY, KAREN A., xxx-xx-x...
LETT, DONALD R., xxx-xx-x...
*LITTLE, THOMAS J., xxx-xx-x...
LOPEZ, JOSE L., xxx-xx-x...
LOWRY, MARK A., xxx-xx-x...
*MACDONALD, DAVID L., xxx-xx-x...
*MCDONALD, MICHAEL S., xxx-xx-x...
MELANSON, MARK A., xxx-xx-x...
METZGER, MARK A., xxx-xx-x...
*MILSTREY, ERIC G., xxx-xx-x...
MITCHELL, BARRY L., xxx-xx-x...
*MITCHELL, RICHARD S., xxx-xx-x...
MOORE, TIMOTHY J., xxx-xx-x...
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